

FEDERAL REGISTER

VOLUME 29
NUMBER 213

Washington, Friday, October 30, 1964

Contents

AGRICULTURAL MARKETING SERVICE

Rules and Regulations

Grapefruit grown in Arizona and California; expenses and assessment rate, 1964-65, and carry-over of unexpended funds..... 14780

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Brucellosis; modified certified areas..... 14784
 Khapra beetle quarantine; regulated areas..... 14775

Proposed Rule Making

Federal-State cooperative meat inspection program..... 14792

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Sugar:
 Beets; acreage reserve, 1962 and subsequent crops..... 14780
 Cane; mainland area, 1964 crop.. 14778

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Agricultural Research Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Federal Crop Insurance Corporation.

AIR FORCE DEPARTMENT

Rules and Regulations

Animals; user charges, and sentry dog program..... 14786
 Boards of officers for conducting investigations..... 14788
 Security; protection of USAF resources..... 14787

ALIEN PROPERTY OFFICE

Notices

Intention to return vested property:
 Reichert, Friedrich..... 14798
 Speiser, Andreas..... 14798
 van Styrum-Goedewaagen, Carolina, et al..... 14798

CIVIL AERONAUTICS BOARD

Notices

IATA joint conference; agreement relating to specific commodity rates..... 14800
Hearings, etc.:
 Blocked space service..... 14799
 Eastern Air Lines, Inc..... 14800
 Wong Aviation, Ltd..... 14801

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service:
 Defense Department..... 14775
 Executive Office of the President..... 14775
 Small Business Administration..... 14775

COMMERCE DEPARTMENT

See National Bureau of Standards.

COMMODITY CREDIT CORPORATION

Rules and Regulations

Tung oil warehouse-stored loan and purchase program; 1964 crop..... 14781

DEFENSE DEPARTMENT

See Air Force Department.

FEDERAL AVIATION AGENCY

Rules and Regulations

Control zones; alterations (3 documents)..... 14785
 Federal airways; alteration..... 14785
 Transition areas; designations (2 documents)..... 14786

Proposed Rule Making

Control zones and transition areas; alteration and designation..... 14794

Control zones, transition areas and control area extensions; alterations, designations and revocations (2 documents).... 14795, 14796

Transition areas:

Alteration..... 14796
 Designation; correction..... 14797

Notices

Chicago Sky Tower Corp.; determination of hazard to air navigation..... 14801
 Memphis Light, Gas and Water Division; termination of study... 14801

FEDERAL COMMUNICATIONS COMMISSION

Notices

Hearings, etc.:
 Camellia City Telecasters..... 14801
 Estacada Telephone & Telegraph Co. and Pacific Northwest Bell Telephone Co..... 14802
 Miller, Verne M..... 14802

FEDERAL CROP INSURANCE CORPORATION

Rules and Regulations

Crop insurance:
 Peaches; 1965 and succeeding years..... 14776
 Peanuts; 1961 and succeeding years..... 14775
 Potatoes; 1961 and succeeding years..... 14776

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
 City of Crawfordville, Ga..... 14804
 Elliott Oil, Inc., et al..... 14802
 Kansas-Nebraska Natural Gas Co., Inc..... 14804
 Natural Gas Pipeline Company of America..... 14804
 Northern Natural Gas Co..... 14805
 Penrose, Neville G., et al..... 14805
 Southern Union Production Co. et al..... 14806
 Transcontinental Gas Pipe Line Corp. et al..... 14806

(Continued on next page)

**FOOD AND DRUG
ADMINISTRATION****Notices**

Hops Extract Corporation of
America; filing of petition re-
garding food additive methyl-
ene chloride..... 14799

**HEALTH, EDUCATION, AND
WELFARE DEPARTMENT**

See Food and Drug Administra-
tion.

**INTERSTATE COMMERCE
COMMISSION****Notices**

Fourth section applications for
relief..... 14808

JUSTICE DEPARTMENT

See Alien Property Office.

**NATIONAL BUREAU OF
STANDARDS****Notices**

Station WWVH, Maui, Hawaii;
change in schedule..... 14799

SECRET SERVICE**Rules and Regulations**

Illustration of savings bonds and
stamps..... 14786

**SECURITIES AND EXCHANGE
COMMISSION****Notices****Hearings, etc.:**

Celanese Corporation of Amer-
ica and Mosler Safe Co..... 14807
Michigan Consolidated Gas
Co..... 14808

**SMALL BUSINESS
ADMINISTRATION****Notices**

Managers of disaster field offices
in Montana; delegations re-
lating to financial assistance
functions:
Great Falls..... 14808
Kalispell..... 14808

TARIFF COMMISSION**Notices**

National Tile & Manufacturing
Co.; petition for determination
of eligibility to apply for adjust-
ment assistance; investigation
and hearing..... 14807

TREASURY DEPARTMENT

See also Secret Service.

Notices

Commissioner of Internal Rev-
enue; delegation to of certain
functions relating to extensions
of time..... 14798
Litharge from Mexico; fair value
determination..... 14798

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.

5 CFR

213 (3 documents)..... 14775

7 CFR

301..... 14775
401 (2 documents)..... 14775, 14776
403..... 14776
833..... 14778
851..... 14780
909..... 14780
1421..... 14781

9 CFR

78..... 14784

PROPOSED RULES:

30..... 14792

14 CFR

71 [New] (6 documents) --- 14785, 14786

PROPOSED RULES:

71 [New] (5 documents) --- 14794-14797

31 CFR

405..... 14786

32 CFR

812..... 14786
851..... 14787
866..... 14788
930..... 14786

Volume 77**UNITED STATES STATUTES
AT LARGE**

[88th Cong., 1st Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1963, reorganization plan, and Presidential proclamations. Included is a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

Price: \$7.50

Published by Office of the Federal Register,
National Archives and Records Service,
General Services Administration

Order from Superintendent of Documents,
Government Printing Office,
Washington, D.C. 20402

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show exception under Schedule C of a second position of Staff Assistant to the Principal Special Assistant to the Secretary of Defense. Effective upon publication in the FEDERAL REGISTER, subparagraph (28) of paragraph (a) of § 213.3306 is amended as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(28) Two Staff Assistants to the Special Assistant to the Secretary of Defense.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] DAVID F. WILLIAMS,
Director, Bureau of
Management Services.

[F.R. Doc. 64-11053; Filed, Oct. 29, 1964;
8:46 a.m.]

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show the exception under Schedule C of one additional position of Private Secretary to the Chairman of the Council of Economic Advisers. Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (b) of § 213.3303 is amended as set out below.

§ 213.3303 Executive Office of the President.

(b) *Council of Economic Advisers.*

(1) Three Private Secretaries to the Chairman and one to each of the other two members.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] DAVID F. WILLIAMS,
Director, Bureau of
Management Services.

[F.R. Doc. 64-11054; Filed, Oct. 29, 1964;
8:46 a.m.]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3132(b) is amended to extend the authority to permit temporary

appointment of personnel engaged in making and administering loans to small business organizations in areas declared disaster areas by the President as a result of hurricanes in the autumn of 1964. Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 213.3132 is amended as set out below.

§ 213.3132 Small Business Administration.

(b) For the duration of the disasters caused by hurricanes in the autumn of 1964, as declared by the President, temporary appointment of personnel employed to make and administer small loans either directly or cooperatively to small business organizations under section 7(b)(2) of the Small Business Act, as amended by P.L. 88-264 of February 5, 1964. Such appointments shall not exceed six months initially, but may with prior approval of the Commission be extended for an additional six months.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] DAVID F. WILLIAMS,
Director, Bureau of
Management Services.

[F.R. Doc. 64-11055; Filed, Oct. 29, 1964;
8:47 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 612]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Khapra Beetle

REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76-2a Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.

Infestations of the khapra beetle have been determined to exist in the premises listed below. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

ARIZONA

University of Arizona Farm, 4101 North Campbell Avenue, Tucson.

University of Arizona, Ewing Farm, 4040 North Campbell Avenue, Tucson.

University of Arizona, River Road Farm, 3636 North Dodge Boulevard, Tucson.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.76-2)

These administrative instructions shall become effective October 29, 1964.

These administrative instructions designate certain premises in Arizona, in which khapra beetle infestations have been determined to exist, as regulated areas under the khapra beetle quarantine and regulations.

These instructions impose restrictions supplementing khapra beetle quarantine regulations already in effect. They must be made effective promptly in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 23d day of October 1964.

[SEAL] LEO G. K. IVERSON,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 64-11056; Filed, Oct. 29, 1964;
8:47 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 70]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

PEANUTS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1965 crop year in the following respects:

1. Item (d) of section 2 of the peanut endorsement shown in § 401.36 is amended effective beginning with the 1965 crop year to read as follows:

(d) any acreage on any farm for which an acreage allotment for peanuts is not established.

2. The second sentence of section 4 of the peanut endorsement shown in § 401.36 is amended effective beginning with the 1965 crop year to read as fol-

lows: "The amount of insurance per acre for each crop year shall be the applicable pounds per acre of peanuts established by the Corporation by area, classification, group, or other designation for the insured acreage and shown on the county actuarial table multiplied by the minimum average support price per pound for the insured type of peanuts for the crop year as announced by the United States Department of Agriculture under the peanut price support program."

3. The second sentence of subsection 6(b) of the peanut endorsement shown in § 401.36 is amended effective beginning with the 1965 crop year to read as follows: "Any appraisals of production made for poor farming practices of uninsured causes of loss shall be valued at the final average support price per pound for peanuts for the crop year under the peanut price support program for the insured type: *Provided, however, That if in any crop year, the peanuts on any insurance unit are destroyed prior to the issuance of the final average support price per pound for the insured type for that crop year, such appraisals of production will be valued at the minimum average support price per pound for the insured type of peanuts for the crop year as announced by the United States Department of Agriculture under the peanut price support program.*"

4. Section 7(a) of the peanut endorsement shown in § 401.36 is amended effective beginning with the 1965 crop year to read as follows:

(a) "Harvest" or "harvested" as to any acreage means the digging for threshing of at least 20 percent of the applicable pounds per acre of peanuts established by the Corporation by area, classification, group, or other designation for the insured acreage and shown on the county actuarial table.

5. That portion of section 7(b) of the peanut endorsement shown in § 401.36 which reads "for the insurable type of peanuts" is amended effective beginning with the 1965 crop year to read as follows: "for peanuts".

6. The peanut endorsement shown in § 401.36 is amended effective beginning with the 1965 crop year by deleting section 11.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on October 23, 1964.

[SEAL] EARL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: October 27, 1964.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 64-11092; Filed, Oct. 29, 1964;
8:50 a.m.]

[Amdt. 71]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

POTATOES

Pursuant to the authority contained in the Federal Crop Insurance Act, as

amended, the above-identified regulations are amended effective beginning with the 1965 crop year in the following respects:

1. Section 2 of the potato endorsement shown in § 401.37 is amended effective beginning with the 1965 crop year to read as follows:

2. *Insured crop.* (a) The insured crop shall be potatoes of the variety shown on the county actuarial table as insurable. Insurance shall not be considered to have attached on any acreage on which it is determined by the Corporation that such acreage on any insurance unit (1) is less than two acres, (2) was planted to potatoes for the two preceding crop years, (3) was initially planted to potatoes after the date shown on the county actuarial table for such purpose, or (4) was not planted to certified seed potatoes or to seed potatoes which would meet all of the requirements for certification except for bagging and tagging. If within 15 days after the insured files his acreage report, it is determined by the Corporation that the insured did not follow recognized good farming practices the Corporation may elect to determine the insured acreage of potatoes involved to be "zero".

(b) Notwithstanding the provisions of the last sentence of section 2 of the policy, if the insured fails to file a report of the acreage planted to potatoes and his interest therein by the date established under item (3) of subsection (a) of this section, the Corporation may elect to determine the insured acreage and the interest or declare the insured acreage to be "zero".

2. The second paragraph of section 5(a) of the potato endorsement shown in § 401.37 is amended effective beginning with the 1965 crop year to read as follows:

The total production to be counted for an insurance unit shall be determined by the Corporation and shall include all harvested production from acreage harvested on the unit and any appraisals made by the Corporation for unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided, That the total production to be counted shall be determined separately for acreage harvested on the unit and for acreage not harvested on the unit and in either case shall not be less than 25 percent of the production guarantee of the quality guaranteed and provided on the county actuarial table for such acreage; Provided, further, That the production to be counted for any acreage of potatoes which is abandoned or put to another use without the consent of the Corporation shall be the production guarantee provided on the county actuarial table for such acreage.*

3. Section 6(b) of the potato endorsement shown in § 401.37 is amended effective beginning with the 1965 crop year to read as follows:

(b) "Harvest" or "harvested" means the digging of potatoes.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on October 23, 1964.

[SEAL] EARL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved: October 27, 1964.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 64-11093; Filed, Oct. 29, 1964;
8:50 a.m.]

PART 403—PEACH CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the Peach Crop Insurance Regulations for the 1963 and Succeeding Crop Years, as amended, which shall remain in full force and effect for the 1964 crop year, are hereby amended for the 1965 and succeeding crop years to read as set forth below. The provisions of this subpart shall apply, until amended or superseded to all continuous peach crop insurance contracts as they relate to the 1965 and succeeding crop years.

Sec.
403.40 Availability of peach crop insurance.
403.41 Premium rates and amounts of insurance.
403.42 Application for insurance.
403.43 Public notice of indemnities paid.
403.44 Creditors.
403.45 The application and the policy.

AUTHORITY: §§ 403.40 to 403.45 issued under secs. 506, 516, 52 Stat. 73, as amended, 77, as amended, 7 U.S.C. 1506, 1516.

§ 403.40 Availability of peach crop insurance.

Peach crop insurance shall be offered for the 1965 and succeeding crop years under the provisions of § 403.40 through § 403.45 in counties within limits prescribed by and in accordance with the provision of the Federal Crop Insurance Act as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for peach crop insurance. The counties designated by the Manager shall be published by appendix to this section.

§ 403.41 Premium rates and amounts of insurance.

The Manager shall establish premium rates and the amounts of insurance per acre which shall be shown on the county actuarial table on file in the county office. Such premium rates and amounts of insurance may be changed from year to year.

§ 403.42 Application for insurance.

Application for insurance may be submitted as provided in § 403.45 at the county office for the Corporation. The Corporation reserves the right to discontinue the taking of applications in any county upon its determination that the insurance risk involved is excessive prior to the closing date for the filing of applications. Such closing date shall be December 31 preceding the beginning of the crop year.

§ 403.43 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

§ 403.44 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any in-

voluntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the application and policy set forth in § 403.45.

§ 403.45 The application and the policy.

The provisions of the Application and Policy for Peach Crop Insurance for the 1965 and Succeeding crop years are as follows:

Application and Policy
Form FCI-812-Peach Rev.

UNITED STATES DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION
APPLICATION AND POLICY FOR PEACH CROP
INSURANCE

(For 1965 and Succeeding Crop Years)

(State and County Code and Contract No.)

(Name and address of insured)

(County)

1. The undersigned applicant (herein called the "insured"), subject to the applicable provisions of the regulations of the Federal Crop Insurance Corporation (herein called the "Corporation"), hereby applies to the Corporation for insurance on his interest in peach crops (hereinafter called "the insured crop") located in the above-identified county (hereinafter called "the county"). The insured applies for the amount of insurance shown below which shall be an amount shown on the county actuarial table on file in the Corporation's office for the county. The amounts of insurance available each crop year and prescribed premium rates each crop year are shown on the county actuarial table from year to year. In counties where alternative amounts of insurance per acre are made available for election by the insured, the insured may change the amount of insurance which was in effect for a prior crop year and elect a new amount of insurance per acre by notifying the county office in writing before the date insurance attaches for the crop year for which the change is to become effective. Unless the contract of insurance is cancelled or terminated pursuant to the terms hereof, the amount of insurance per acre in effect for a crop year shall be the amount of insurance most recently elected by the insured and shown on a form prescribed for such purpose not to exceed the maximum dollar amount per acre shown on the county actuarial table for such crop year, except that when alternative amounts of insurance are not offered, the amount of insurance per acre for a crop year shall be the amount prescribed by the Corporation.

(Dollar Amount of Insurance Elected)

\$----- per acre

This application when executed by an individual shall not cover his interest in a crop produced by a partnership or other entity.

2. Causes of loss insured against. The insurance provided is against unavoidable loss resulting from frost, freeze, hurricane, tornado, hail, a number of hours of chilling temperatures insufficient to effectively break the dormant period, or windstorm when accompanied by hail provided that the percent of loss due to hail on any acreage is five percent or more of the peaches on the trees on the date when such damage occurs, subject however, to any exceptions, exclusions, limitations, or additions with respect to such causes of loss as are set forth on the county actuarial table. The Corporation shall not

pay any loss hereunder as a result of split pits and misshapen fruit regardless of the cause thereof.

3. Insured crop. Only peaches grown on insurable acreage in any crop year as shown on the county actuarial table (a) in which the insured had an interest on the date insurance attaches, (b) which are grown on acreage on which the trees have reached the fourth growing season, and (c) which are grown on acreage having a minimum expected production on the date insurance attaches of 100 bushels per acre are insured.

4. Responsibility of insured to report acreage and interest. The insured at the time of filing this application shall also file on a form prescribed by the Corporation a report of all the acreage of the insured crop in the county in which he has an interest and show his interest therein. Such report shall include a designation of all the acreage of peaches which is uninsurable under the provisions of the preceding section. This report may be revised for any crop year before insurance attaches if the acreage and interest therein has changed and the latest report filed shall be considered as the basis for continuation of insurance from year to year, subject to revision as provided herein. The Corporation reserves the right to determine the insured acreage and the insured's interest therein. The acreage and interest insured shall be the acreage and interest reported by the insured or as determined by the Corporation, whichever the Corporation shall elect.

5. The contract. Upon acceptance of this application by the Corporation, the contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until canceled or terminated in accordance with the applicable provisions of the contract. This application and policy, and amendments thereto, if any, and the county actuarial tables for each crop year on file in the Corporation's office for the county shall constitute the contract for peach insurance. Any changes made in the contract shall not affect the continuity from year to year.

6. Insurance period. For each crop year insurance attaches on January 1, or upon acceptance of the application for such crop year whichever is later, and as to any insured acreage ceases upon harvest, or September 15, whichever occurs first.

7. Annual premium. (a) The annual premium for each unit shall be earned and payable on the date insurance attaches and shall be determined by multiplying the applicable amount of insurance for the insured acreage by the applicable premium rate and multiplying the product thereof by the insured's interest at the time insurance attaches and, where applicable, applying the discount herein provided.

(b) The insured's annual premium shall be reduced 5 percent if he has had three consecutive years of insurance on the crop immediately preceding the current crop year (eliminating any year in which a premium was not earned) without a loss for which an indemnity was paid. For each such additional consecutive year of insurance on the crop without a loss for which an indemnity was paid, the insured's annual premium shall be reduced an additional 5 percent, except that the total reduction shall not exceed 25 percent. If an insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years: Provided, That, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made. Any discount earned hereunder shall upon death of the insured and upon approval of the Corporation enure to the

benefit of his estate, heirs, surviving spouse, or a surviving partner, who the Corporation determines were directly associated in the farming operations and management with the insured during the period in which the discount was earned.

(c) If, for any crop year, the premium is less than \$50.00 it shall be increased to \$50.00.

8. Premium note. In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the United States Department of Agriculture.

(Date) 19--

(Signature of Applicant)

(Witness to signature)

9. Recommended for acceptance by:

(Corporation representative)

10. Accepted for the corporation by:

(Date) 19--

(State director)

(County office address)

11. Life of contract. This contract is non-cancelable the first crop year and shall continue in effect for each succeeding crop year until either the insured, or the Corporation, cancels the contract by giving written notice to the other by November 30 immediately preceding the crop year for which the cancellation is to become effective. The contract shall, however, terminate for non-payment of premium if such premium is not paid by December 31, of the crop year in which the premium was earned.

12. Notice of damage or loss. (a) It shall be a condition precedent to payment of any indemnity on any insurance unit (hereinafter called "unit") hereunder that the insured report each damage to the insured crop from a cause of loss insured against to the county office immediately after such damage giving the date, cause, and estimated extent of such damage. If not so reported within seven days, the Corporation reserves the right to reject any claim arising out of such damage on the unit if it determines that it has been prejudiced by such failure to report or by failure to give notice as required in subsection (b) of this section.

(b) Notice of the time of intended harvesting shall be given to the county office at least seven days before the beginning of harvest if a loss is to be claimed, and a final adjustment has not been made by that time. Provided, however, That if damage occurs within the seven-day period before the beginning of harvest, or during harvest, and a loss is to be claimed, notice shall be given immediately.

13. Amount of loss and proof of loss. (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation within 30 days after the amount of loss has been determined by the Corporation.

(b) Losses shall be determined separately for each unit and for the period in which the loss occurred, as hereinafter provided, except that any damage occurring in the second period which the Corporation cannot accurately separate from damage occurring in the first period shall be treated as having occurred in the first period. The amount of loss with respect to any unit for either period shall be determined by (1) multiplying the insured acreage of peaches on the unit by the applicable amount of insurance per acre, (2) multiplying the result thus ob-

tained by the applicable percent of loss determined in accordance with subsection (c) of this section and (3) multiplying the result by the insured interest.

(c) Reported damages from insured causes shall be indemnified on the basis of appraisals of production made by the Corporation and the percent of damage from insured causes occurring within either period shall be determined by relating the production lost due to insured causes to the production which the Corporation determines would have been produced had no damage from insured or uninsured causes occurred (herein called the "expected production").

The Corporation reserves the right to delay final appraisal of the extent of any damage, occurring in either period, and the settlement of any claim until the extent of damage can reasonably be determined.

Determination of the expected production for each period for any acreage shall be made by the Corporation on the applicable of such information as past production, cultural practices, age, size, condition and general capabilities of the trees, peaches on the trees, peaches harvested, and by comparing production with similar trees on which no damage has occurred. In addition, in determining the expected production for the second period any peaches harvested or lost due to uninsured causes in the first period shall also be taken into account.

All insured damage occurring within a period will be related to the expected production established for that period by the Corporation except that the minimum expected production used to determine the percent of damage for either period will never be less than 100 bushels per acre for the unit.

Any damage due to insured causes and any appraisals made by the Corporation shall be disregarded and no indemnity shall be payable whenever a normal crop of peaches, as determined by the Corporation, on the basis of age, size, condition, productive capabilities, and the cultural practices followed, remains on the trees.

The maximum amount payable under this contract shall be 80 percent of the amount of insurance for a unit. Subject to this limitation, the percent of loss payable for each period and the periods involved are as follows:

First period. This period shall be from the date insurance attaches through the later of March 31, or the date of the last frost or freeze damage occurring on the unit, as determined by the Corporation. The percent of loss payable as a result of damage occurring during this period shall be that in excess of 50 percent as determined in accordance with the provisions hereof. Any loss due to a number of hours of chilling temperatures insufficient to effectively break the dormant period shall be deemed to have occurred in this period.

Second period. This period shall commence on April 1, or the day following the date of the last frost or freeze damage occurring on the unit thereafter, as determined by the Corporation, and shall continue to the end of the insurance period. The percent of loss payable as a result of damage occurring during this period shall be that in excess of 20 percent as determined in accordance with the provisions hereof; *Provided, however,* That for the unit this deductible shall be reduced by 1 percentage point for each 1 percent of damage in excess of 30 percent determined by the Corporation to have occurred in the First Period.

(d) It shall be a condition precedent to payment of any claim that the insured furnish records of production harvested and any information required by the Corporation regarding the manner and extent of damage or loss.

14. **Abandonment of crop.** There shall be no abandonment of the insured crop or portion thereof to the Corporation.

15. **Contract changes.** After the first crop year the Corporation reserves the right to amend or change the terms of this contract from year to year. Notice thereof shall be mailed to the insured or made available at the county office by the November 15 immediately preceding the beginning of the crop year for which such amendment is to become effective. Acceptance of the changes will be conclusive in the absence of notice from the insured to cancel the contract as provided in paragraph 11, above.

16. **Collateral assignment—Transfer of interest.** The right to an indemnity in any crop year may be assigned as security upon prior approval of the Corporation. If the insured transfers his interest in the insured crop in any crop year he may, upon prior approval of the Corporation, transfer his right to an indemnity for such crop year with respect to the transferred interest in the insured crop. Any assignment or transfer shall be made on assignment or transfer forms prescribed by the Corporation and shall be subject to all the terms set forth thereon and to the terms hereof.

17. **Insured interest.** For the purpose of determining the amount of indemnity the interest insured shall not exceed the interest of the insured at the time of damage, as determined by the Corporation.

18. **Misrepresentation and fraud.** The Corporation may void the contract without affecting the insured's liability for any earned premium(s) if at any time the insured has concealed or misrepresented any material fact or committed any fraudulent act against the Corporation and such voidance shall be effective as of the beginning of the crop year which relates to the insured crop with respect to which any such act or omission occurred.

19. **Subrogation.** The insured (including his assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

20. **Cause of loss not insured against.** The contract shall not cover any loss due to neglect or malfeasance of the insured, any member of his household, his tenants, or employees, or failure to follow recognized good peach farming practices, or to any cause other than a cause insured against.

21. **Payment of indemnity.** (a) Any indemnity will be paid within 30 days after a claim therefor is approved by the Corporation: *Provided,* That in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity.

(b) If the insured dies or is judicially declared incompetent before insurance attaches in any crop year, the contract shall terminate as of the date of death or judicial declaration, but if such an event occurs after insurance attaches in any crop year the contract shall terminate at the end of such crop year and any indemnity payable shall be paid to the person or persons the Corporation determines to be beneficially entitled thereto.

22. **Meaning of terms.** For purposes of insurance on peaches the terms:

(a) "County actuarial table" means the forms and related material approved by the Corporation which are on file for public inspection in the county office, and which show the applicable amounts of insurance, premium rates, and related information with respect to peach crop insurance for the crop year in the county.

(b) "County office" means the Corporation's office for the county shown in this application and policy or such office as may be designated by the Corporation from time to time.

(c) "County" means the area shown on the county actuarial table which may include units located in a local producing area bordering on the county.

(d) "Crop year" means the calendar year in which insurance attaches.

(e) "Production harvested" means marketable peaches picked from the trees or from the ground.

(f) "Insurance unit" means all insurable acreage of peaches in the county in which (1) the insured has 100 percent interest on the date insurance attaches for the crop year that is located on contiguous land under the same ownership, or (2) the same two or more persons have 100 percent interest on the date insurance attaches for the crop year that is located on contiguous land under the same ownership, excluding any other acreage of peaches in which such persons do not have 100 percent interest on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous. The Corporation may by agreement in writing with the insured before insurance attaches in any crop year combine units for the purpose of providing premium benefits resulting from the acreage of the varieties of peaches on the unit.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on October 23, 1964.

[SEAL] EARL H. NIKKEL,
Secretary, Federal Crop
Insurance Corporation.

Approved: October 27, 1964.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 64-11094; Filed, Oct. 29, 1964;
8:50 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[Sugar Determination 833.11]

PART 833—MAINLAND CANE SUGAR AREA

Florida and Louisiana; 1964 Crop

Pursuant to the provisions of section 302(a) of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 833.11 Sugar commercially recoverable from sugarcane in the Mainland Cane Sugar Area.

(a) **Definitions.** For the purposes of this section, the terms:

(1) "Trash" means green or dried leaves, sugarcane tops, dirt and all other extraneous material.

(2) "Gross weight" of sugarcane means the total weight (short tons) of sugarcane, including trash, as delivered by a producer for processing for sugar production.

(3) "Net weight" of sugarcane means:

(i) In Florida, the gross weight of sugarcane delivered by a producer to a processor's mill minus a deduction equal to the average percentage weight of trash delivered with all sugarcane ground during the 1964-crop season at such mill.

(ii) In Louisiana, the weight obtained by deducting the weight of trash from the gross weight of sugarcane as delivered by a producer.

(b) *Recoverable sugar.* For the 1964 crop of sugarcane, the amount of sugar, in hundredweight, raw value, commercially recoverable from sugarcane grown on a farm in the Mainland Cane Sugar Area and marketed (or processed by the producer) for the extraction of sugar or liquid sugar, shall be obtained by multiplying the net weight of the sugarcane in tons by the rate of recoverability specified for the average percentage of sucrose in the normal juice of such sugarcane, as follows:

(1) *For farms in Louisiana.*

Percentage of sucrose in normal juice: ¹	Rate of recoverable sugar (hundredweight) per net ton of sugarcane
3.6.....	0.000
4.0.....	0.071
5.0.....	0.252
6.0.....	0.433
7.0.....	0.614
8.0.....	0.925
9.0.....	1.106
10.0.....	1.293
11.0.....	1.478
12.0.....	1.661
13.0.....	1.845
14.0.....	2.030
15.0.....	2.212
16.0.....	2.395
17.0.....	2.577
18.0.....	2.760

¹ Rates for the intervening tenths of 1 percent shall be calculated by interpolation.

(2) *For farms in Florida.*

Percentage of sucrose in normal juice: ¹	Rate of recoverable sugar (hundredweight) per net ton of sugarcane
3.0.....	0.076
4.0.....	0.222
5.0.....	0.404
6.0.....	0.615
7.0.....	0.835
8.0.....	1.004
9.0.....	1.176
10.0.....	1.351
11.0.....	1.527
12.0.....	1.701
13.0.....	1.874
14.0.....	2.048
15.0.....	2.221
16.0.....	2.393
17.0.....	2.562
18.0.....	2.728

¹ Rates for the intervening tenths of 1 percent shall be calculated by interpolation.

(c) *Delegation and effectiveness.* Beginning with the 1965 crop the applicable rates of sugar commercially recoverable, as determined herein, shall be established by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, and shall become effective for each crop when the specific rates for each State (Louisiana and Florida) are published in the FEDERAL REGISTER.

STATEMENT OF BASES AND CONSIDERATIONS

Determinations of amounts of sugar commercially recoverable from sugarbeets and sugarcane are required under section 302(a) of the act to establish the amounts of sugar upon which payments are to be made pursuant to the act.

The rates of sugar commercially recoverable at the various normal juice sucrose levels, as specified in this determination, were calculated from data reported to the Department by the processors of sugarcane for sugar in each of the States of Florida and Louisiana. The calculation for the 8 to 18 percent normal juice sucrose levels made use of data representing averages in each State for the crop years 1959, 1960, 1961, 1962 and 1963 of each of the factors of normal juice extraction (the quantity of normal juice extraction per ton of sugarcane), boiling house efficiency (the ratio of the amount of sugar produced to the amount that could theoretically be produced), the polarization of the sugar produced, and net sugarcane as a percent of gross sugarcane. The calculation also used the purity or retention factor which correlates purity of normal juice with sugar recovery based on the well-established Winter-Carp formula. That formula is expressed mathematically as follows: Purity or Retention Factor = $(1.4 - 40/P)$ in which P is purity of normal juice. For the purposes of this determination,

$$CRS., RV. = \frac{N.J.E. \times B.H.E. \times 2.000 \times N.J.S. \times P.R. \times R.V.C.F.}{(\text{Pol. of sugar}) \times (\text{net sugarcane, \% sugarcane})}$$

Except for appropriate changes in each of the two moving five year averages, the aforesaid calculation is the same as that used for the preceding crop. The use of data for the most recent five crops results in an average increase in rates of recoverable sugar of about 2 percent for farms in Florida, due in part to the change in definition of "net weight" for sugarcane in Florida. The use of such data also results in a decrease in such rates of one percent for farms in Louisiana.

Prior to the 1948 crop, recovery rates were computed with respect to the gross weight of sugarcane. With the increase in mechanical harvesting the amount of trash in sugarcane increased to such an extent that for the 1948 and subsequent crops, recovery rates were computed with respect to the net weight of sugarcane. In Louisiana, where most of the increase in mechanical harvesting has occurred, it has been customary to make deductions from gross weights of sugarcane for trash based upon samples taken from deliveries made by individual producers. This evolved, in part, from the many differences in the methods of handling the cane by the growers. In Florida, most of the cane is harvested by hand and the percentage of trash remains generally constant. Early tests indicated that approximately 4 percent of the gross weight of sugarcane was trash. Beginning with the 1956 crop, the net weight of sugarcane for Florida was determined to be 96 percent of the gross

the computed purity at each of the 8 to 18 percent normal juice sucrose levels for the crop years 1959, 1960, 1961, 1962 and 1963 was used.

The rates for the 3 to 7 percent normal juice sucrose levels in Florida and the 6 and 7 percent normal juice sucrose levels in Louisiana were calculated as above except that the data for each State was restricted to that for the 1962 crop. Data for these levels are not available for other crops. In Louisiana, the rates for the 5 percent and lower normal juice sucrose levels were determined by extrapolation as no data are available for these levels.

In calculating sugar commercially recoverable, the data are used in the following manner: The product of normal juice extraction and boiling house efficiency is divided by the product of the polarization of sugar produced and net sugarcane as a percent of gross sugarcane. The result so obtained is multiplied by 2,000 to obtain a factor which when multiplied by normal juice sucrose and the purity or retention factor for that normal juice sucrose gives pounds of sugar per ton of net sugarcane. By use of the applicable raw value conversion factor, in accordance with section 101(h) of the Sugar Act, pounds of sugar per ton of net sugarcane are converted into sugar, commercially recoverable, raw value. Expressed mathematically the formula reads:

weight of the cane and for Louisiana, the weight obtained by deducting the weight of trash from the gross weight of sugarcane. Tests conducted during the period 1956 through 1961 indicated that the standard 4 percent deductions for trash for Florida was representative of the amount of trash in the sugarcane delivered. Because of the increase in the number of mills operating in the State and the increase in the number of farms, trash tests were made on deliveries of 1963 crop sugarcane to again check on the accuracy of the 4-percent deduction. These tests were the most comprehensive yet undertaken and were conducted in a manner so as to assure the testing of all kinds of sugarcane under all conditions. An evaluation of these tests indicate that, on the average, approximately 6 percent of the gross weight of sugarcane is trash. Thus, the rates of commercially recoverable sugar on the average will reflect net weights of cane based on 6 percent trash instead of 4 percent trash heretofore used.

It is further determined that the Deputy Administrator, State and County Operations, shall have the responsibility of establishing the annual rates of commercially recoverable sugar in the Mainland Cane Sugar Area, beginning with the 1965 crop.

Accordingly, I hereby find and conclude that the aforesaid determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, sec. 302, 303, 304; 61 Stat. 930, as amended, 931; 7 U.S.C. 1132, 1133, 1134)

Effective date: Date of publication.

Signed at Washington, D.C., on October 26, 1964.

CHARLES S. MURPHY,
Acting Secretary of Agriculture.

[F.R. Doc. 64-11057; Filed, Oct. 29, 1964;
8:47 a.m.]

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 851.1, Rev. 1, Amdt. 1]

PART 851—COMMITMENT OF NATIONAL SUGARBEET ACREAGE RESERVE, 1962 AND SUBSEQUENT CROPS

Miscellaneous Amendments

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 851.1 (29 F.R. 12819) is hereby amended in the following respects:

1. Paragraph (a) is amended by adding the following sentence: "The provisions of this section relating to the establishment of proportionate shares in the year or years following the year of commitment are subject to the provisions of section 850 pertaining to proportionate shares for the 1965 and subsequent crops in the Domestic Beet Sugar Producing Area."

2. Paragraph (d) is amended to read as follows:

(d) *Commitments to farms and farm operators, notification of commitments and conditions relating to utilization of such acreage.* The State Committee shall instruct the County Committee to notify the farm operator, on a form provided by the State Committee, of each eligible farm included on the foregoing lists that the acreage, as adjusted in accordance with paragraph (c) of this section, has been committed to such farm. In any locality in which the production records of farms will likely be used in establishing proportionate shares, such notice shall also inform the farm operator that if proportionate shares are in effect in either of the two years immediately following the year for which the acreage is committed, the proportionate share established for such farm will not be less than the acreage utilized for the production of sugarbeets for sugar in the preceding year except that it will not exceed the acreage committed. In any locality in which the production records of farm operators will likely be used in establishing proportionate shares, such notice shall inform the farm operator that if proportionate shares are in effect in either of the two years immediately following the year for which the acreage is committed, the proportionate share for any farm in such locality operated by such person in each of such two years will not be less than the acreage utilized for the production of sugarbeets for sugar in the preceding year, except that it will not exceed the acreage committed to the farm of which he was the operator during

the year of commitment. The acreage available for establishing proportionate shares in either of the two years following the year of commitment of the acreage reserve to a locality, shall not be less than the amount of acreage of the reserve committed to such locality. Proportionate shares in a locality will be established in either of the two years following the year of commitment only for farms which were eligible for commitment of the reserve in the year of commitment; *Provided*, That if any farm to which acreage reserve is committed is combined with any other farm a proportionate share may be established for such combined farm.

3. Subdivisions (iii) of subparagraphs (2) of paragraphs (g), (h), (i), (j), (k), (l), (m), (n), and (o) are each amended by deleting the period at the end thereof and adding the following words: "and utilized for the production of sugarbeets for sugar in the crop year preceding the crop year for which a proportionate share is established."

STATEMENT OF BASES AND CONSIDERATIONS

This amendment is issued for the purpose of clarifying the proportionate share protection to be accorded farms and farm operators receiving commitments of reserve acreage if proportionate shares are in effect in either of the two years following the year of the commitment.

In an area in which the production records of farms will likely be used to establish proportionate shares, the proportionate share for any farm in such area to which a commitment of reserve acreage is made will not be less than the acreage utilized for the production of sugarbeets in the preceding year except that it will not exceed the acreage committed to the farm from such reserve.

In an area in which the production records of farm operators will likely be used to establish proportionate shares, the proportionate share for any farm operated by the same person who was the operator of a farm to which a commitment of reserve acreage was made will not be less than the acreage utilized for the production of sugarbeets in the preceding year except that it will not exceed the acreage committed to the farm from such reserve.

If a portion of the acreage committed to a farm or to a farm operator (in a personal history area) is not fully utilized in the year of commitment or in the subsequent year, an opportunity shall be accorded such farm or farm operator to utilize the acreage in the subsequent two years or subsequent year. If such farm or farm operator does not desire to fully utilize the committed acreage, such unutilized acreage may be made available to other eligible farms or farm operators in such subsequent year or years.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on October 27, 1964.

CHARLES S. MURPHY,
Acting Secretary of Agriculture.

[F.R. Doc. 64-11095; Filed, Oct. 29, 1964;
8:50 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Expenses and Rate of Assessment for 1964-65 Fiscal Period

Notice was published in the October 13, 1964, issue of the FEDERAL REGISTER (29 F.R. 14077) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending July 31, 1965, under the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established to the said amended marketing agreement and order), it is hereby found and determined that:

§ 909.203 Expenses and rate of assessment for the 1964-65 fiscal period and carryover of unexpended funds.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the said fiscal period beginning August 1, 1964, and ending July 31, 1965, will amount to \$150,000.

(b) *Rate of assessment.* The rate of assessment which each handler who first handles grapefruit shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at three cents (\$0.03) per carton of grapefruit handled by such first handler during the 1964-65 fiscal period.

(c) *Operating reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ending July 31, 1965, shall be carried over as a

reserve in accordance with the applicable provisions of § 909.42 of said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable grapefruit from the beginning of such year; and (2) the current fiscal period began on August 1, 1964, and the rate of assessment herein fixed will automatically apply to all assessable grapefruit beginning with such date.

Terms used in said amended marketing agreement and order, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 26, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[F.R. Doc. 64-11058; Filed, Oct. 29, 1964;
8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1964—
Tung Oil Warehouse-Stored Loan and Purchase Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1964-Crop Tung Oil Warehouse-Stored Loan and Purchase Program

The General Regulations Governing Price Support for 1964 and Subsequent Crops of Grain and Similarly Handled Commodities (29 F.R. 2686 and 7662) (hereinafter referred to as the "General Regulations") issued by the Commodity Credit Corporation, which contain regulations of general nature with respect to price support loan and purchase operations, are supplemented for tung oil processed from the 1964-crop of tung nuts as follows:

Sec.	
1421.3575	Purpose.
1421.3576	Availability.
1421.3577	Cooperative marketing associations.
1421.3578	Eligible tung oil.
1421.3579	Warehouse receipts.
1421.3580	Power of attorney.
1421.3581	Service charges.
1421.3582	Storage and handling charges.
1421.3583	Maturity of loans.
1421.3584	Delivery for purchase.
1421.3585	Settlement.
1421.3586	Release of tung oil under loan.
1421.3587	Support rate.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62

Stat. 1072, secs. 201, 401, 63 Stat. 1052, as amended; 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421.

§ 1421.3575 Purpose.

This subpart, and the General Regulations to the extent that the provisions thereof are not made inapplicable by the provisions of this subpart, contain the terms and conditions under which CCC will make warehouse-stored tung oil loans to, and purchase of eligible tung oil from, eligible producers of 1964-crop tung nuts from which the eligible tung oil was extracted. Notwithstanding the provisions of the General Regulations, CCC will not make farm-stored loans on tung oil, and will not purchase, or make any loans on, 1964-crop tung nuts.

§ 1421.3576 Availability.

(a) *Area.* The program will be available in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

(b) *Period.* Loans will be available through September 30, 1965.

(c) *Application for price support.* Producers desiring to obtain price support by means of warehouse-stored loans on eligible tung oil and purchases of eligible tung oil must file an application therefor during the period November 1, 1964, through June 30, 1965, at the county office which keeps the farm program records for the farm on which the tung nuts are produced.

§ 1421.3577 Cooperative marketing associations.

As used in this section, the phrase "tung oil delivered to the association" shall include, where applicable, tung nuts delivered to the association by producers from which the tung oil was extracted. A cooperative marketing association which markets tung oil delivered to it by its members and which satisfies the requirements of this section shall be deemed an eligible producer and shall be eligible for price support on eligible tung oil through warehouse-storage loans and purchases: *Provided*, That warehouse-storage loans may be made to an association which tenders to CCC warehouse receipts issued by it on its own tung oil only in those States where the issuance and pledge of such warehouse receipts are valid under State law. An association desiring to qualify as an eligible producer shall submit its application for determination of eligibility to the State committee of the State where the association's principal office is located no later than November 16, 1964, or by such later date as the Executive Vice President, CCC, may determine is necessary to alleviate hardship in special cases. An approved cooperative marketing association applying for price support on tung oil extracted from tung nuts produced in more than one State shall make separate application for the tung oil delivered to the association by producers in each State.

(a) *Producer-owned and controlled.* The association must be a producer-owned cooperative marketing association of producers under the control of its producer-members. The association shall submit with its application a detailed statement of its method of operations

showing the manner in which producer-members have control of the association.

(b) *Articles or bylaw provisions.* The articles of incorporation or association, or bylaws of the association, must provide for: (1) An annual membership meeting at a location which will provide reasonable opportunity for all members to attend and participate, (2) a notice of all district, area, or annual meetings to be given to all members affected by such meeting, (3) membership in the association to be open to all farmer-producers of tung nuts, except that producers may be denied membership on a reasonable basis, including among other reasons, that the membership of the farmer-producer would be inimical to the effective operation of the association, (4) voting on election of officers and directors by secret ballot when there have been more nominees than there are vacancies to be filled, (5) a single vote for each member, regardless of the number of shares of stock owned or controlled by him, or voting rights for each member based on the quantity of tung oil delivered by him to the association for marketing during the current year or a single preceding year, but whichever of the above described methods of voting is practiced, it shall be uniform for all members of the association, and (6) each member receiving a summary financial statement prepared by the independent accountant who made the annual audit of the association. The requirements of subparagraphs (4), (5), and (6) of this paragraph may be provided for by resolution of the board of directors of the association.

(c) *Financial condition.* The association must be on a financially sound basis. The association shall submit with its application evidence establishing that its operation is on a financially sound basis.

(d) *Operations.* The association must submit evidence that it has a sales organization sufficiently staffed to carry on a bona fide tung oil marketing function for its producer-members and that it does, in fact, market the tung oil delivered by its members. Tung oil tendered to CCC for purchase or delivered to CCC in satisfaction of price support loans shall not be considered as marketed.

(e) *Conflict of interest.* The association must submit with its application a report concerning all transactions, except those which are no different than transactions entered into by the association with its general membership, for the year preceding the date of the application: (1) With any director, officer, or employee of the association and any of his close relatives, (2) with any partnership in which any such person or any of his close relatives are entitled to receive a percentage of the gross profits, (3) with any corporation in which any such person or any of his close relatives own stock, (4) with any business entity from which any such person or any of his close relatives received fees for transacting business with or on behalf of the association, or (5) with any business entity in which any agent, director, officer or employee of the Association was an agent, director, officer or employee of

such business entity. A close relative shall be deemed to refer to a husband or a wife, or to a person related as child, parent, brother, or sister by blood, adoption, or marriage and shall include in-laws within such categories of relationship. The report must include, but is not limited to, transactions involving purchases, sales, processing, handling, marketing, transportation, warehousing, insurance and related activities. A statement must also be submitted indicating whether any transactions of the kind described in this paragraph are contemplated in the period between the date of the application and November 1, 1965, and if such transactions are contemplated, a detailed statement of the reasons therefor. The association shall not be eligible for price support unless it establishes that any such transactions in the year preceding the date of application and during the period beginning with the date of application and ending on October 31, 1965, have not and will not operate to the detriment of members of the association.

(f) *Uniform marketing agreement.* All eligible tung oil delivered to the association by producer-members which is included in a pool consisting in whole or in part of tung oil on which price support is obtained from CCC must be marketed through the association pursuant to a uniform marketing agreement between the association and each of its producer-members who delivers such eligible tung oil.

(g) *Purchased and non-member tung oil.* Tung oil purchased by a cooperative marketing association from producer-members who do not retain the right to share proportionately in the proceeds from marketing of the tung oil as provided in paragraph (1) of this section, and tung oil purchased or acquired from non-members are not eligible for price support.

(h) *Member business.* Not less than 80 percent of the tung oil marketed by the association must be tung oil delivered to it by the producer-members. Tung oil purchased by the association from CCC shall not be considered in determining the volume of tung oil marketed for members and non-members.

(i) *Vested authority.* The association must have authority to obtain a loan on the security of the tung oil and give a lien thereon as well as authority to sell such tung oil.

(j) *Records maintained.* The association must maintain a record of the quantity of tung oil eligible for price support delivered to the association by eligible producer-members. Also, the association must maintain a record of the quantity of tung oil not eligible for price support, showing the source from which it was acquired by or delivered to the association; such record must show the disposition of the ineligible tung oil.

(k) *Physical inventory.* The association, if operating warehouse facilities, must keep in inventory at all times tung oil equivalent in quality and quantity to the quality and quantity of the tung oil shown on its outstanding warehouse receipts.

(l) *Distribution of proceeds.* The association may establish separate pools for tung oil delivered to it by its members. Proceeds of marketing of any pool which consists in whole or in part of tung oil on which price support is obtained from CCC must be distributed only to members participating in such pool on a proportionate basis according to the quantity and quality of the tung oil delivered by each member which is included in such pool. All tung oil included in such a pool must be eligible for price support and must have been delivered by eligible producers who are members of the association. Allocations of costs and expenses as between separate pools shall be made in accordance with sound accounting principles and practices. Any losses incurred by the association in marketing tung oil not included in a pool consisting in whole or in part of tung oil on which price support is obtained from CCC shall not be assessed against the proceeds of marketing of such a pool.

(m) *Inspection by CCC.* Tung oil held by the association must be available for inspection by CCC at all reasonable times as long as the association has tung oil under price support. The books and records of the association must be available to CCC for inspection at all reasonable times through October 31, 1970.

(n) *Member associations.* Notwithstanding the requirements of paragraph (a) of this section, a cooperative marketing association otherwise eligible for price support which includes in its membership other cooperative marketing associations composed of producer-members, shall be eligible for price support if its member associations meet the requirements for price support under this section. The requirements of paragraph (1) of this section shall be deemed to be satisfied if such member associations have the right to deliver tung oil of their producer-members to the association applying for price support and to authorize such association to sell the tung oil and to obtain a loan on the security of the tung oil and to give a lien thereon. The association applying for price support shall: (1) In its charter, bylaws, marketing contracts or by other legal means require that its member associations meet the requirements for price support under this section, (2) submit the material and certifications required by paragraphs (c), (d) and (e) of this section with respect to each member association, (3) certify to CCC that its member associations are in fact eligible for price support under the requirements of this section, and (4) except for the requirement that it consist of producers, otherwise qualify for price support under this section.

(o) *Eligibility determinations.* Determinations with respect to the eligibility of cooperative marketing associations of producers under this section for either warehouse-storage loans, or purchases, or both, shall be made by the Executive Vice President, CCC.

(p) *Investigations.* CCC shall have the right at any time after an application is received to examine all records

and make such investigations deemed necessary to determine whether the cooperative is operating in accordance with its articles of incorporation, bylaws, agreements with producers or member associations and with the representations made in its application.

(q) *Nondiscrimination.* A cooperative association receiving price support is subject to the provisions of Title VI of the Civil Rights Act of 1964, and of any regulations issued thereunder. Accordingly, the association shall not, on the grounds of race, color or national origin, deny any producer membership in the association or subject any producer to discrimination in receiving benefits, privileges, and rights in the association. The United States shall have the right to enforce compliance therewith by suit or any other action authorized by law.

§ 1421.3578 Eligible tung oil.

(a) *General.* Tung oil to be eligible for price support, must have been extracted from 1964-crop tung nuts produced by eligible producers and must meet the requirements of section 3, when tested in accordance with the provisions of section 4, of Federal Specification TT-T-775, Tung Oil Raw (Chinawood) dated May 28, 1957 (referred to in this subpart as "Federal Specifications"). The tung oil pledged as security for loan must be in approved storage which is a warehouse which has a current storage agreement with CCC on Form CCC-77, Tung Oil Storage Agreement. The names and addresses of such warehouses may be obtained from the Kansas City Agricultural Stabilization and Conservation Service Commodity Office and State and county offices.

(b) *Producer's certification of eligibility of tung oil.* Before a loan is made to a producer, other than an association, or before delivery of tung oil from such producer can be accepted for purchase by the county committee, such producer shall submit to the county office an executed statement in substantially the following form:

I hereby certify:

(1) That the _____ pounds of tung oil stored at _____

(Name and address of storage facilities) which I am pledging to CCC as collateral for loan or am tendering for delivery to CCC for purchase was delivered to me as oil processed for my account by _____

(Name of mill) out of _____ tons of 1964 crop tung nuts produced by me which I delivered to such plant for toll processing:

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in me or in me and a former producer whom I succeeded either as landowner, landlord, tenant, or sharecropper, before such tung nuts were harvested.

Signature _____
(Producer)

(Date)

(c) *Association's certification of eligibility of tung oil.* Before a loan is made to an association, or before delivery of tung oil from an association can be accepted for purchase by the county com-

mittee, the manager, or other official empowered to sign contracts for or on behalf of the association shall submit to the county office an executed statement in substantially the following form:

I hereby certify:

(1) That _____ pounds of tung oil stored at the mill shown below which are being pledged to CCC as collateral for loan, or are being tendered for delivery to CCC for purchase, were processed from _____ tons of 1964 crop tung nuts produced by eligible producer(s) who are members of the undersigned association.

(1)
Name and address of tung mill

(2)
1964-crop tung nuts delivered for crushing (tons)

(3)
Tung oil crushed from tung nuts in Column 2 (pounds)

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been, or was as of the time of delivery to the association and always had been, in such producers or in such producers and former producers whom such producers succeeded, either as landowner, landlord, tenant, or sharecropper, before such tung nuts were harvested.

(Name of association)

By _____
Title _____

(Date)

§ 1421.3579 Warehouse receipts.

Warehouse receipts tendered to CCC in connection with a loan or purchase must meet the requirements of § 1421.58 of the General Regulations and:

(a) Be signed by the warehouseman or his authorized representative.

(b) Show the location of the warehouse.

(c) State the quantity of tung oil guaranteed by the warehouseman.

(d) Guarantee that the tung oil, when delivered, will meet Federal Specification.

(e) State the date of issuance.

(f) Include a statement or an endorsement in substantially the following form: "All warehouse charges (including insurance) through October 31, 1965, on the tung oil represented by this warehouse receipt have been paid or otherwise provided for, and the warehouseman has no lien upon the tung oil for such charges."

§ 1421.3580 Power of attorney.

Notwithstanding the provisions of paragraph (b) of § 1421.54 of the General Regulations, an eligible producer may designate an agent to act in his behalf in obtaining price support, or two or more eligible producers may designate an agent to act in their joint behalf in obtaining price support. In such event, the producer or group of producers shall execute a power of attorney on the form or in a form prescribed or approved by CCC. A copy of each power of attorney signed by the producer(s) must be delivered to the county office before any purchase or loan document filed by the agent on behalf of such producer(s) is approved.

§ 1421.3581 Service charges.

A charge of six cents per hundred-weight will be made for the quantity of

tung oil acquired by CCC and such charge shall be handled in accordance with § 1421.60(b) of the General Regulations.

§ 1421.3582 Storage and handling charges.

Except as provided in § 1421.72(1) of the General Regulations, CCC will not pay or assume the cost of storage, transportation, sampling, insurance, testing and analysis accruing on tung oil prior to delivery of the oil for purchase or prior to the maturity date of the loan on tung oil placed under loan, nor will CCC pay or assume any handling or processing charges which are necessary to prepare the tung oil to meet eligibility requirements. CCC and any subsequent holders of warehouse receipts covering tung oil shall be entitled to any unexpired portion of the storage time and outloading services to which the producer becomes entitled under any contract between the producer and the warehouseman.

§ 1421.3583 Maturity of loans.

Loans mature on demand but not later than October 31, 1965.

§ 1421.3584 Delivery for purchase.

(a) *Tung oil stored in approved warehouses.* In the case of tung oil stored in approved warehouses, if the producer desires to tender such tung oil to CCC for purchase, he must, not later than the date specified in the delivery instructions issued by the county committee submit to the county committee warehouse receipts issued in the form prescribed in § 1421.3579.

(b) *Tung oil stored in other than approved warehouses.* In the case of tung oil not stored in approved warehouses which is tendered for purchase, delivery shall be made by CCC f.o.b. tank cars at the producer's usual milling point or at other locations approved by CCC. The county committee will issue delivery instructions as prescribed in § 1421.71 of the General Regulations. Before issuance of such delivery instructions, the producer must submit a chemical analysis certificate (issued by an approved chemist) covering each tank car of tung oil tendered, showing that the oil meets Federal Specifications; or if it is found by the county committee that a submission of these analysis certificates on tank car lots would cause undue delay in shipment, (1) the producer may submit evidence that a sample of each car lot of oil has been properly drawn and submitted by inspectors authorized or licensed by the Secretary of Agriculture for analysis to a chemist approved by the Department of Agriculture (referred to in this subpart as "approved chemist") if the producer (i) waives his right of appeal of the findings of the approved chemist, (ii) agrees that demurrage incurred as a result of delay in receiving the chemical analysis prior to final acceptance, shall be for the producer's account, and (iii) agrees further that if the tung oil does not meet Federal Specifications, the car shall be rejected with all freight demurrage and handling charges reverting to the account of the producer; or (2) the producer may submit chemical analysis certificates (issued

by an approved chemist) showing that the tung oil offered meets Federal Specifications and is stored in sealed identity preserved tanks if the producer agrees to have such tank oil checkloaded by a representative of CCC into tank cars for delivery to CCC and to bear all handling and other costs prior to acceptance by CCC f.o.b. tank cars.

§ 1421.3585 Settlement.

(a) *Tung oil stored in approved warehouses.* Settlement with producers for tung oil stored in approved warehouses which is acquired by CCC under loans or tendered for purchase shall be made pursuant to paragraphs (a) and (b) only of § 1421.72 of the General Regulations.

(b) *Purchase of tung oil stored in other than approved warehouses.* Settlement with producers for tung oil stored in other than approved warehouses which is tendered for purchase shall be made on the basis of (i) the quantity of such tung oil determined by approved scale weight upon delivery to CCC, and (ii) the quality of such tung oil determined on the basis of samples taken by inspectors authorized or licensed by the Secretary of Agriculture and analyzed by approved chemists. The provisions of § 1421.72 of the General Regulations (except paragraph (1) thereof) shall not be applicable to such settlement; the storage payment provided for in paragraph (1) of that section shall be computed at the storage rate specified in the current CCC Tung Oil Storage Agreement. The time of determining the quality of tung oil and the evidence of such quality shall be as provided in § 1421.3584.

§ 1421.3586 Release of tung oil under loan.

Notwithstanding the provisions of paragraph (c) of § 1421.68 of the General Regulations, a producer may at any time on or before maturity date obtain release of the tung oil under loan by paying to CCC the principal amount of the note, plus charges and accrued interest. Partial release prior to maturity may be arranged with the county committee by paying the amount of the loan represented by the quantity of the tung oil to be released, plus charges and accrued interest. However, the quantity to be released must equal the quantity covered by one or more warehouse receipts. If the producer has authorized another person to act as his agent solely for the purpose of receiving the warehouse receipts, such authorization must be in writing and must be made within 30 days prior to redemption of the warehouse receipts by repayment.

§ 1421.3587 Support rate.

Loans on and purchases of eligible tung oil shall be made at the rate of 24 cents per pound.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 27, 1964.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 64-11006; Filed, Oct. 29, 1964; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Baldwin, Barbour, Bibb, Blount, Bullock, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, De Kalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Monroe, Morgan, Pike, Randolph, Russell, St. Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, and Winston Counties;

Arizona. The entire State;

Arkansas. The entire State;

California. The entire State;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Clear Creek, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Phillips, Pitkin, Prowers, Pueblo, Rio Grande, Saquache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Hawaii. Honolulu County;

Idaho. The entire State;

Illinois. The entire State;

Indiana. Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clark, Clay, Clinton, Crawford, Davess, Dearborn, Decatur, De Kalb, Delaware, Du Bois, Elkhart, Fayette, Floyd, Fountain,

Franklin, Fulton, Gibson, Grant, Greene, Hamilton, Hancock, Harrison, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Jefferson, Jennings, Johnson, Knox, Kosciusko, Lagrange, Lake, La Porte, Lawrence, Madison, Marion, Marshall, Martin, Miami, Monroe, Montgomery, Morgan, Newton, Noble, Ohio, Orange, Owen, Parke, Perry, Pike, Porter, Posey, Pulaski, Putnam, Randolph, Ripley, Rush, Saint Joseph, Scott, Shelby, Spencer, Starke, Steuben, Sullivan, Switzerland, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warrick, Washington, Wayne, Wells, White, and Whitley Counties;

Iowa. Audubon, Boone, Butler, Carroll, Cherokee, Clayton, Clinton, Delaware, Dickinson, Emmet, Fayette, Floyd, Franklin, Greene, Guthrie, Hamilton, Harrison, Humboldt, Keokuk, Lyon, Marshall, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Polk, Sac, Scott, Shelby, Story, Tama, Wapello, Warren, Winnebago, Woodbury, Worth, and Wright Counties;

Kansas. The entire State;

Kentucky. The entire State;

Louisiana. Ascension, Assumption, Bienville, Claiborne, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Washington, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clay, Covington, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. The entire State;

Montana. The entire State;

Nebraska. Adams, Antelope, Banner, Boone, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Salline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Burleigh, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grand Forks, Grant, Griggs, Hettinger, Kidder, LaMoure, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. The entire State;

Oklahoma. Adair, Canadian, Choctaw, Cimarron, Delaware, Garfield, Grant, Haskell, Kingfisher, Latimer, McCurtain, Mayes, Noble, Nowata, Ottawa, Payne, Pushmataha, and Texas Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codrington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Harding, Jerauld, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Sanborn, Spink, Turner, Union, Walworth, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;

Tennessee. The entire State;

Texas. Andrews, Armstrong, Bailey, Bandera, Baylor, Bexar, Blanco, Borden, Brewster, Briscoe, Brown, Burnet, Callahan, Cameron, Carson, Castro, Childress, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Fisher, Floyd, Gaines, Garza, Gillespie, Glasscock, Guadalupe, Hale, Hall, Hansford, Hardeman, Hartley, Hays, Hidalgo, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Jones, Kendall, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Medina, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Parmer, Pecos, Presidio, Randall, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Winkler, Yoakum, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Crook, Fremont, Goshen, Hot Springs, Laramie, Lincoln, Natrona, Niobrara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

Puerto Rico. The entire area; and

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Bullock, Monroe, and Tuscaloosa Counties in Alabama; Prowers County in Colorado; Butler and Keokuk Counties in Iowa; Burleigh County in North Dakota; and Brown and Hale Counties in Texas.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Haskell and Oldham Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly,

under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of October 1964.

E. E. SAULMON,
Acting Director, Animal Disease
Eradication Division, Agricultural
Research Service.

[F.R. Doc. 64-11059; Filed, Oct. 29, 1964;
8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 64-EA-51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Federal Airways

The purpose of these amendments to Part 71 [New] of the Federal Aviation Regulations is to change the name of the Clermont, N.Y., VOR to the Kingston, N.Y., VOR. This action is taken to reduce confusion in the spoken word due to the proximity and phonetic similarity of the Clermont VOR and the Carmel VOR.

Since these amendments are editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

Section 71.123 (29 F.R. 1009, 4671) is amended as follows: In V-445 and in V-489 "Clermont" is deleted whenever it appears and "Kingston" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 22, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 64-11066; Filed, Oct. 29, 1964;
8:48 a.m.]

[Airspace Docket No. 64-AL-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

On August 1, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11161) stating that the Federal Aviation Agency proposed to alter the control zone at Annette Island, Alaska.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Alaska Coastal-Ellis Airlines suggested that the control zone extension to the northwest be aligned along the Annette Island VOR 305° radial rather than the 308° radial. The control zone extension is based on an established VOR instrument approach procedure utilizing the 308° radial. For this reason, the suggested alignment would not provide the required protection for this approach, and the control zone is being altered as proposed in the notice.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 1101), the Annette Island, Alaska control zone is amended to read:

Annette Island, Alaska.

Within a 5-mile radius of Annette Island Airport (latitude 55°02' N., longitude 131°34' W.); within 2 miles each side of a 169° bearing from the Annette Island R.R., extending from the 5-mile radius zone to 8 miles S of the R.R.; within 2 miles each side of the Annette Island VOR 165° radial, extending from the 5-mile radius zone to 8 miles S of the VOR; and within 2 miles each side of the Annette Island VOR 308° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 21, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 64-11063; Filed, Oct. 29, 1964;
8:47 a.m.]

[Airspace Docket No. 64-CE-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

On June 27, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 8175) stating that the Federal Aviation Agency proposed to alter the Madison, Wis., control zone.

Interested persons were afforded an opportunity to participate in the rule

making through submission of comments. Due consideration was given to all relevant matters presented.

The Air Transport Association endorsed the proposal. The operators of Hoonch-Na-Shee-Kaw-McManus Airport objected on the basis that the proposed extension would infringe upon the use of the airspace by private aircraft operating out of the various nearby private airports. The nearest airport is located approximately 5 miles west of the proposed control zone extension and adjacent to an existing control zone extension. The commentator's airport is located 18 miles south of the proposed extension. Due to these distances, designation of the additional extension proposed in the notice is not considered to be an undue infringement upon the activities of the pilots operating from the nearby airports.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 1101), the Madison, Wis., control zone is amended to read:

Madison, Wis.

Within a 5-mile radius of Truax Field, Madison, Wis. (latitude 43°08'20" N., longitude 89°20'15" W.); within 2 miles each side of the Madison ILS localizer S course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Truax VOR 134° radial, extending from the 5-mile radius zone to 7 miles SE of the VOR; within 2 miles each side of the Truax VOR 320° radial, extending from the 5-mile radius zone to 7 miles NW of the VOR; and within 2 miles each side of the Truax VOR 359° radial, extending from the 5-mile radius zone to 7 miles N of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 22, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 64-11064; Filed, Oct. 29, 1964;
8:47 a.m.]

[Airspace Docket No. 64-SO-51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

On September 16, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12980) stating that the Federal Aviation Agency proposed to alter the control zone at Miami, Florida.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 7, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 1101) the Miami, Fla., control zone is amended to read:

Miami, Fla. (International Airport)

Within a 5-mile radius of Miami International Airport (latitude 25°47'35" N., longitude 80°17'10" W.); within a 3-mile radius of Tamiami Airport (latitude 25°45'15" N., longitude 80°22'35" W.); within 2 miles each side of the Miami Runway 9-L ILS localizer W course extending from the 5-mile radius zone to the Runway 9-L ILS OM; within 2 miles each side of the Miami Runway 27-L ILS localizer E course extending from the 5-mile radius zone to the Runway 27-L ILS OM, and within 2 miles each side of the Miami VORTAC 138° radial extending from the 5-mile radius zone to the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on October 22, 1964.

PAUL H. BOATMAN,
Director, Southern Region.

[F.R. Doc. 64-11065; Filed, Oct. 29, 1964; 8:47 a.m.]

[Airspace Docket No. 64-CE-42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area

On August 22, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12036) stating that the Federal Aviation Agency proposed to designate a transition area at Coldwater, Mich.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. December 10, 1964, as hereinafter set forth.

In § 71.181 (29 F.R. 1160) the following is added:

Coldwater, Michigan.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Branch County Memorial Airport, Coldwater, Mich. (latitude 41°56'00" N., longitude 85°03'15" W.) and within 8 miles NW and 5 miles SE of the 209° bearing from the Branch County Memorial Airport extending from the airport to 12 miles SW of the airport excluding the portion within the Sturgis, Mich., transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on October 20, 1964.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 64-11067; Filed, Oct. 29, 1964; 8:48 a.m.]

[Airspace Docket No. 64-SO-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Designation of Transition Area

On September 16, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 12981) stating that the Federal Aviation Agency proposed to designate a transition area at Toccoa, Ga.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposal has been published; therefore, for the reasons stated in the notice, the following action is taken:

Section 71.181 (29 F.R. 1160) is amended by adding the following:

Toccoa, Georgia

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Toccoa, Ga., Airport (latitude 34°35'35" N., longitude 83°17'45" W.); within 2 miles each side of the 180° and 360° radials of the Toccoa VOR extending from the 4-mile radius area to 6 miles N of the VOR; including that airspace extending upward from 1200 feet above the surface 5 miles W and 8 miles E of the 360° radial of the Toccoa VOR extending from the VOR to 12 miles N of the VOR.

This amendment shall become effective 0001 e.s.t., January 7, 1965.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348 (a))

Issued in East Point, Ga., on October 21, 1964.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 64-11068; Filed, Oct. 29, 1964; 8:48 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter IV—Secret Service, Department of the Treasury

PART 405—ILLUSTRATION OF SAVINGS BONDS AND STAMPS

By virtue of the authority delegated to me by Treasury Department Order No. 173 (Revised), dated March 19, 1954, Part 405 of title 31 is amended to delete the word "War" wherever it appears therein so that the part heading will read as set forth above and the text of the part will read as follows:

§ 405.1 Illustrations authorized.

(a) Authority is hereby given to make, hold, dispose of and use illustrations of Savings Bonds and Savings Stamps for publicity purposes in connection with

the campaign for the sale of Savings Bonds and Stamps: *Provided:* That illustrations of stamps are of a size less than three-quarters or more than one and one-half, in linear dimension, of each part of such stamp.

(b) The making of any reproduction of a Savings Bond or Stamp in any manner or in any form other than as provided in this is not permitted.

Dated: October 26, 1964.

[SEAL] JAMES J. ROWLEY,
Chief,
United States Secret Service.

[F.R. Doc. 64-11076; Filed, Oct. 29, 1964; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER B—SALES AND SERVICES

PART 812—USER CHARGES

SUBCHAPTER M—ANIMALS

PART 930—USAF SENTRY DOG PROGRAM

1. Part 812 (and its heading) is revised to read as follows:

- Sec.
812.1 Purpose.
812.2 General policy.
812.3 Determining costs and fees for special services.
812.4 Determining charges for lease or sale.

AUTHORITY: The provisions of this Part 812 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 177-8, July 6, 1964.

§ 812.1 Purpose.

This part prescribes general policy for developing an equitable and uniform system of charges for certain Government services and property.

§ 812.2 General policy.

A reasonable charge should be made to each recipient deriving a benefit from a special service provided by the Government or from property furnished by the Government.

(a) *Special services.* Charges should be sufficient to recover the full cost of the service.

(b) *Lease or sale.* Obtain a fair market value for federally owned resources or property leased or sold.

§ 812.3 Determining costs and fees for special services.

(a) *Determining costs.* Costs shall be determined or estimated from the best available records in the Air Force activity; cost accounting systems will not be established solely for this purpose. The cost computation shall cover the direct and indirect costs incurred by the activity performing the service. This includes but is not limited to:

- (1) Civilian salaries (gross) and Air Force share of retirement and insurance.
- (2) Military pay and allowances at standard rates.
- (3) Travel expense.
- (4) Cost of fee collection and postage.
- (5) Material and supplies used.
- (6) Maintenance and operation of buildings and equipment (including depreciation when appropriate).
- (7) A pro rata share of the management and supervisory costs of the activity performing the service.
- (8) The costs of research, establishing standards, enforcement and regulation, to the extent they are determined by the Air Force activity to be properly chargeable to the services performed.

(b) *Establishing fees to recover costs.* Unless otherwise prescribed by Air Force directives, fees will be established under the policies and procedures of this part. The maximum fee for a special service (where fees are not established by another Air Force directive) will be governed by its total cost and not by the value of the service to the recipient. The cost of providing the service shall be reviewed every year and the fees adjusted as needed. In setting new fees and increasing existing fees, exceptions may be made to the general policy, if:

- (1) The cost of collecting the fees would be unduly large in proportion to the receipts from the activity. In such a case, the fee may be waived.
- (2) Service furnished without charge is an appropriate courtesy to a foreign country or international organization; or if comparable fees are set on a reciprocal basis with a foreign country.
- (3) The recipient is engaged in a non-profit activity designed for the public safety, health, or welfare.
- (4) Payment of the full fee by a state, local government, or nonprofit group would not be in the interest of the program.

§ 812.4 Determining charges for lease or sale.

Where federally owned resources or property are leased or sold, obtain a fair market value. Determine charges, so far as practicable and feasible, in accordance with comparable commercial practices. Charges need not be limited to the recovery of costs—they may produce new revenues to the Government. The exceptions in § 812.3(b) (1) through (4) also apply to lease or sale.

2. Part 930 is revised to read as follows:

- Sec.
930.1 Procuring dogs.
930.2 Restrictions.

AUTHORITY: The provisions of this Part 930 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 125-9, March 31, 1964.

§ 930.1 Procuring dogs.

Air Training Command procures all sentry dogs required by the Air Force. All individuals offering dogs for sale or donation to the sentry dog program should direct correspondence to: Sentry Dogs, Base Procurement Office, Lackland Air Force Base, Tex., 78236.

§ 930.2 Restrictions.

(a) Air Force units must use only dogs procured in accordance with § 930.1 or procedures established by oversea commanders, or furnished through negotiations with foreign governments. Other dogs must not be trained or used in any manner that would make the Air Force responsible for their care or actions.

(b) The installation's local stray dog pound must not be operated as an integral part of the sentry dog facility, nor will it be located in the immediate or adjacent area.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lt. Colonel, U.S. Air Force,
Chief, Special Activities
Group, Office of The Judge
Advocate General.

[F.R. Doc. 64-11049; Filed, Oct. 29, 1964;
8:45 a.m.]

SUBCHAPTER E—SECURITY

PART 851—PROTECTION OF USAF RESOURCES

A new Part 851 is added as follows:

- Sec.
851.1 Purpose.
851.2 Definitions.
851.3 Authority.
851.4 Responsibility.
851.5 Air base policies.
851.6 Controlled area.
851.7 Warning signs.

AUTHORITY: The provisions of this Part 851 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 125-37, July 27, 1964.

§ 851.1 Purpose.

This part establishes the policy, guidelines, and procedures to be used in protecting USAF physical resources under USAF jurisdiction, exclusive of priority A, B, or C aerospace operational resources (see AFR 207-1). It is applicable to, but does not lessen the requirements of any other Air Force directive for, the protection of specific items, funds, facilities, documents, or categories of information (examples: Drugs, nonappropriated funds, ammunition storage areas, investigative reports, classified documents, or material).

§ 851.2 Definitions.

(a) *Protection.* The physical actions required to safeguard USAF resources from loss or damage.

(b) *USAF physical resources.* All property, real, personal, or mixed, within the jurisdiction, administration or custody of the U.S. Air Force and its units (exclusive of aerospace operational resources covered by AFR 207-1 (USAF Aerospace Systems Security Program)).

(c) *Aerospace operational resources.* USAF weapon systems, combat support systems, and nuclear weapons required for general and limited war operations (see attachment 1, AFM 207-1 (Doctrine and Requirements for Security of Aerospace Systems), June 10, 1964, for complete explanation).

(d) *Controlled area.* A land or water area, building, structure, or room, to which entry must be controlled to protect USAF physical resources situated thereon or contained therein (exclusive of aerospace operational resources).

(e) *Restricted area.* An area normally associated with aerospace operational resources in which special security measures are employed to prevent unauthorized entry. It is a legally established zone on a base or site that is under military jurisdiction and which personnel cannot enter without specific authority. (AFR 207-1 and AFM 207-1 provide for the establishment of such areas.)

(f) *Air police forces.* Air Policemen (AFSC 77XXX) and all military, Department of the Air Force (DAF) civilian, civilian contractor guard, and foreign national personnel who have been designated by proper authority to perform guard or police duties within the meaning of Article 7b, Uniform Code of Military Justice, and paragraph 19a, Manual for Courts-Martial 1951. Normally, such personnel will be under the staff supervision of the wing/base director of security and law enforcement.

§ 851.3 Authority.

Under 50 U.S.C. 797 certain otherwise lawful directives of military commanders designated by the Secretary of Defense may become criminally enforceable against all persons, including those not subject to the Uniform Code of Military Justice (UCMJ). DOD Directive 5200.8 designated commanders of major air commands (MACs), numbered air forces, air divisions, wings, groups, and installations to promulgate such regulations in accordance with policies and procedures established by the Secretary of the Air Force for the protection of resources subject to Air Force jurisdiction, administration, or custody. In addition, a lawful regulation issued by an Air Force unit commander is legally effective against persons under his jurisdiction who are subject to the UCMJ, without regard to such a regulation's effectiveness under 50 U.S.C. 797. Further, the on-base violation of a lawful regulation issued by a base commander may be sufficient to sustain the removal from the base of a person not subject to the UCMJ and to sustain a criminal prosecution of such a person for an unauthorized re-entry of the base under 18 U.S.C. 1382 even though the base regulation may not have been issued pursuant to 50 U.S.C. 797.

§ 851.4 Responsibility.

Commanders at all echelons and all USAF military and civilian personnel are responsible for taking lawful actions necessary to protect USAF physical resources under their jurisdiction, administration, or custody, or with which they are in any way associated. This individual responsibility is not lessened by air police or other USAF personnel being in, on, or near an area or facility.

§ 851.5 Air base policies.

(a) The base commander will determine the degree of control required over personnel entering or leaving the base, i.e., checking identification credentials,

registering visitors, etc. A system of complex, time-consuming entry controls at base entrances serves few useful security purposes. However, a complete laxity of entry procedures will have a detrimental effect on the security of the base. In determining the stringency of the controls to be used the commander will consider the current situation and the characteristic(s), security priority or threat, pilferage problem, etc. Entry circulation control procedures will be devised, by regulation, to provide the required degree of protection without hindering the base's mission or unduly inconveniencing personnel. Base plans should also provide procedures to permit a rapid transition from normal operations to those required during emergency periods.

(b) The policies in paragraph (a) of this section are not intended to impinge upon normal domestic or social activities of families residing on the base, nor to hamper or preclude properly arranged private visits, or public visits during officially sanctioned demonstrations, celebrations, etc.

§ 851.6 Controlled area.

When the base commander determines that entrance to a particular area on his base must be regulated to protect USAF physical resources from loss or damage, or for any other reason, he is authorized to establish a controlled area and appropriate methods and degrees of control. A restricted area, established in accordance with AFM 207-1, may also exist within a controlled area.

§ 851.7 Warning signs.

Display: Warning signs will be appropriately displayed at each gate and around the perimeter of the base or controlled area. The signs will be so mounted as to be easily read by persons approaching on foot or in vehicles. The minimum spacing between signs will be determined locally; however, it will not normally exceed 100 yards.

WARNING

ENTRY IS PROHIBITED WITHOUT THE PERMISSION OF THE COMMANDER, -----
AIR FORCE BASE. PERSONNEL ENTERING THIS AREA AGREE TO A SEARCH OF THEIR PERSON AND/OR VEHICLE IF DIRECTED BY THE ABOVE COMMANDER.

(Sec. 21, Internal Security Act of 1950; 50 U.S.C. 797)

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lt. Colonel, U.S. Air Force,
Chief, Special Activities
Group, Office of The Judge
Advocate General.

[F.R. Doc. 64-11050; Filed, Oct. 29, 1964;
8:46 a.m.]

SUBCHAPTER G—BOARDS

PART 866—BOARDS OF OFFICERS FOR CONDUCTING INVESTIGATIONS

A new Part 866 is added as follows:

- Sec.
866.1 Purpose and scope.
866.2 Authority.
866.3 Functions and duties.

- Sec.
866.4 Appointment.
866.5 Members to be sworn.
866.6 Notification to persons concerned.
866.7 Members subject to challenge.
866.8 Persons entitled to counsel.
866.9 Evidence.
866.10 Hearings.
866.11 Prejudicial allegations.
866.12 Absence of persons under investigation.
866.13 Findings.
866.14 Recommendations.
866.15 Minority report.
866.16 Preparation of reports of proceedings.
866.17 Action on completed proceedings.

AUTHORITY: The provisions of this Part 866 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 11-1, Dec. 29, 1953, and AFR 11-1A, May 28, 1963.

§ 866.1 Purpose and scope.

This part prescribes the procedures generally applicable to the conduct of investigations by boards of officers. It applies to all Air Force activities.

§ 866.2 Authority.

A commander possesses inherent authority to order a board of officers to investigate a matter within his command jurisdiction whether or not specific regulations exist covering the subject matter involved. Usually, however, boards of officers are appointed under specific Air Force Regulations. These instructions are supplemental to such regulations. In case of conflict, the specific Regulation under which the board is appointed will govern. When the specific Regulation is silent on a matter covered herein, the provisions of this part will apply. When no specific Regulation provides for the institution of an investigation, a responsible commander may initiate the investigation under the provisions of this part.

§ 866.3 Functions and duties.

The primary function of a board is to ascertain and report facts so that the appointing authority may have adequate information on which to base his decision. The primary duty of a board is to develop and consider the evidence concerning the matter under investigation, to arrive at clear, consistent findings and, where required, to make recommendations.

(a) The functions and duties of investigating boards are purely administrative, not judicial.

(b) Boards are not authorized to settle private disputes, or to fix pecuniary responsibility against one person in favor of another unless specifically authorized by law or regulation. (See UCMJ, Article 139.)

(c) Unless otherwise directed by the appointing authority, the president of the board will set the time and place of meetings, assign duties to the members, and preside over all meetings.

§ 866.4 Appointment.

Orders appointing a board will specify the matter to be investigated, the action to be taken by the board, and the scope of the findings required. If convened under a specific Air Force Regulation, the Regulation will be cited; if convened

for a purpose not specifically covered by Regulations, the purpose must be stated in sufficient detail to apprise the board thereof.

(a) In the absence of a specific Regulation to the contrary, any commander is authorized to appoint and convene boards to investigate any matter within his command jurisdiction.

(b) Normally, the senior member will be designated as president and the junior member as recorder. In the absence of such designation, or when the designated president or recorder is absent, the senior member present will act as president and the junior member present will perform the duties of recorder. All members will be voting members unless otherwise indicated in the appointing orders. When circumstances dictate, a recorder without vote may be appointed in addition to the requisite number of voting members to perform the administrative and other duties of that position only. Similarly, where it is probable that assistance of a technical nature will be required frequently during the board's open and closed sessions, technical advisers (e.g., legal adviser, medical adviser) without vote may be named and clearly described as such advisers in the orders.

(c) Authorities competent to appoint boards will act promptly, by oral orders if necessary, whenever a board investigation is required, in order to obtain evidence which might not be available if action is delayed. Oral orders will be confirmed in writing without delay.

(d) Both commissioned and warrant officers may be appointed as members. Board members entitled to vote will be senior to any person under investigation; and this requirement may not be waived by the respondent.

(e) When it appears that the actions or decisions of the authority competent to appoint a board may become a material part of the subject matter of the investigation, such board will be appointed by the next higher authority.

(f) Except where a challenge for cause is sustained (see § 866.7), only the convening authority is authorized to excuse a member thereof from attendance and participation in the investigation of a matter duly referred to the board by him.

(g) When the number of voting members required to constitute either a board or quorum is specified in the appointing order or in pertinent law or regulations, no lesser number will constitute the quorum required to be present at all sessions. When the number of voting members required to constitute a board is not specified in the pertinent law or regulations, a board of not less than three voting members will be appointed and a majority of voting members so appointed, but never less than three, will constitute a quorum.

(h) Boards consisting of many officers will not be appointed for the purpose of furnishing more than one "quorum" to sit independently. Only one quorum may legally be derived from any one appointed board. Whenever circumstances are such that numerous matters of a similar nature which require investigation by boards of officers will arise or may be anticipated to arise at

or close to the same time, an adequate number of separate boards will be appointed to conduct such investigations.

(i) Whenever a commander authorized to convene a board of officers is unable because of the exigencies of the military situation or other conditions within his immediate command to convene a suitable board of an appropriate number of officers, he will refer the matter to his immediate superior commander, who may appoint the board or authorize the appointment of officers under his command as members of the board convened by the referring commander.

§ 866.5 Members to be sworn.

Unless the specific law or regulation under which the board is appointed requires the members to be sworn, they are not required to be sworn.

§ 866.6 Notification to persons concerned.

(a) In every case in which the conduct, efficiency, fitness, or pecuniary liability of any person is to be investigated, the recorder will, at a reasonable time in advance of the convening of the board, deliver or dispatch to the person concerned a written communication, stating:

(1) Time and place of the convening of the board.

(2) Specific allegations or questions to be investigated, in sufficient detail to enable the person to answer. Generalized statements will not be used, except, as required for the protection of classified information under existing security regulations or directives.

(3) Names of the witnesses to be called by the board.

(4) That the board will endeavor to arrange for the presence of military witnesses requested by the individual: *Provided*, That:

(i) Timely request therefor is received,
(ii) The request can reasonably be complied with,

(iii) The witnesses can present material evidence, and

(iv) The witnesses are reasonably available.

(5) When applicable, that the person is entitled to be represented by available counsel of his own choice. (See § 866.8.)

(6) That if it is impossible for the respondent to appear before the board at the time and place fixed, he may request another date or meeting place; and that, if such request is reasonable, is received without delay, is based upon valid grounds, and the requested action is practicable, a new date and place of hearing will be arranged.

(7) That if for any reason not under his control the respondent will be unable to be present during the investigation, he may, if no counsel is selected by him, request the convening authority to appoint counsel to represent him. Such counsel or representative will be afforded an opportunity at the conclusion of the hearings to obtain a sworn statement from the respondent, which will be considered by the board prior to making its findings. If he does not desire to be represented by counsel, all rights of a respondent will nevertheless be accorded

him to the extent practicable in his absence, witnesses will be heard or their evidence obtained, if possible, and any written statement the respondent wishes to submit will be considered, provided that it is received by the board prior to the conclusion of the investigation.

(b) A copy of the written communication required in paragraph (a) of this section, together with any reply thereto, will be entered in the record as an exhibit.

§ 866.7 Members subject to challenge.

(a) The privilege of challenge for cause will be extended in any case in which the conduct, efficiency, fitness, or pecuniary liability of any person is to be investigated. The burden of sustaining a challenge is on the challenger, and testimony may be taken by the board in open session upon the challenge. Where it is clear that a member cannot conscientiously participate or that a challenge would be unanimously sustained, the member should be excused forthwith. Disputed challenges will be considered and voted upon by the board in closed session with the challenged member excluded. A majority vote is required to sustain a challenge. A tie vote on a challenge disqualifies the member challenged. The remaining members will constitute the board, provided that additional members will be detailed whenever the number of members is reduced below the minimum required by law or regulation or when the number has been reduced below the number required for a quorum as provided in § 866.4(g). Pre-emptory challenges are not authorized and will not be entertained.

(b) If at any time during the course of a board hearing it becomes necessary to detail a new or additional member or members to replace a member or members excused upon sustained challenge for cause and bring the membership to the required number, the hearing may proceed from that point after such new member or members have been sworn (if the board was required to be sworn (see § 866.5)), opportunity to challenge has been given, and all proceedings including verbatim testimony, if any, taken up to that point have been read to the new member or members in the presence of the respondent and his counsel, if any.

§ 866.8 Persons entitled to counsel.

(a) Unless the law or a specific regulation so provides, a person under investigation is not entitled to counsel as a matter of right.

(b) An individual will be afforded the privilege of military counsel of his own choosing, if reasonably available, or civilian counsel at his own expense, and he may request that military counsel be assigned in any proceeding which may fairly be regarded as:

(1) Subjecting him to possible criminal prosecution, or disciplinary or corrective administrative action;

(2) Jeopardizing a commission, rating, grade, or status;

(3) Furnishing cause for possible elimination or demotion proceedings against him; or

(4) Imposing pecuniary liability upon him.

(c) At any stage of a board proceeding, if it becomes reasonably apparent from the information before the board, or from facts or information which may reasonably be anticipated, that any person appearing before the board is or may become involved as outlined in paragraph (b) of this section, the board will immediately advise such person of his rights under Article 31, UCMJ, will explain and extend the privileges set forth in § 866.6(a), and will grant reasonable time for procurement of counsel. Questions of doubt as to applicability of § 866.6(a) and the privilege to be represented by counsel in any given case will be resolved in favor of the individual concerned.

(d) Except as provided in paragraphs (b) and (c) of this section, witnesses will not be individually represented by counsel.

§ 866.9 Evidence.

The investigation by the board should be so conducted that the best evidence obtainable and available may be considered. Boards are enjoined to require evidence, wherever possible, which tends to fix dates, places, persons, and events definitely and accurately. Usually, a board's investigation is resolved into an inquiry concerning a few essential facts. These facts should be established by evidence of sufficient weight to be convincing.

(a) The board should not be satisfied until all reasonably available evidence has been examined, such as:

(1) Sworn testimony by witnesses appearing before the board.

(2) Depositions.

(3) Certificates of officers and affidavits of enlisted personnel and civilians.

(4) Original or properly authenticated true copies of records and documents.

(5) Other writings and exhibits.

(6) Stipulations (see paragraph 154b, MCM 1951).

(b) A board is not bound by the formal rules of evidence prescribed for trials by courts-martial. However, general observance of the essence of the following rules will promote orderly procedure and increase the probability of a full, fair, and impartial investigation.

(1) Materiality and relevancy of evidence (paragraph 137, MCM 1951, page 238).

(2) Presumptions; direct and circumstantial evidence (paragraph 138, MCM 1951, page 239).

(3) Hearsay rules (paragraph 139, MCM 1951, page 247).

(4) Res gestae (paragraph 142, MCM 1951, page 254).

(5) Official writings (paragraph 144, MCM 1951, page 265).

(6) Maps, photographs, etc. (paragraph 144e, MCM 1951, page 268).

(7) Competency of witnesses (paragraph 148, MCM 1951, page 276).

(8) Privileged communications (paragraph 151, MCM 1951, page 284).

(9) Judicial notice (paragraph 147, MCM 1951, page 273).

(c) Although the results of polygraph tests may be used as an investigative

technique, they are inadmissible as evidence before any proceedings governed in whole or part by the procedural rules of this part.

§ 866.10 Hearings.

During its hearings the board should adhere to an orderly and semiformal procedure. Informal conversation or comments, statements "off the record," and reference to extraneous matters should be avoided.

(a) A person whose conduct, efficiency, fitness, or pecuniary liability is under investigation will be extended the privilege of counsel, as provided in § 866.8, will be permitted to be present at all open sessions of the board, to cross examine witnesses appearing against him, and to call witnesses and present evidence in his own behalf. Whether or not the respondent or his counsel is present at all sessions, he will be given full opportunity to answer all allegations before hearings are concluded. The president of the board will cause to be delivered to the respondent a transcript or summary of any evidence received by the board at a session not attended by respondent; shall permit him, and his counsel if present, to examine any exhibits received in evidence, unless examination of such evidence is specifically prohibited by regulation, and shall grant him reasonable time to prepare and present in writing any brief, argument, or further information he may desire to bring before the board or the convening authority.

(b) A respondent may not be compelled to testify if he chooses to remain silent.

(c) Each witness appearing before a board will be sworn or his affirmation taken. Any member of a board appointed to conduct an investigation is authorized to administer oaths (UCMJ, Article 136). One of the following forms will be used:

You swear that the evidence you shall give in the matter now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.

or

You affirm that the evidence you shall give in the matter now in hearing shall be the truth, the whole truth, and nothing but the truth.

(d) No witness shall be compelled to incriminate himself or to answer any question not material to the issue when such answer might tend to degrade him (UCMJ, Article 31; U.S. Const., Amend. V). When he claims this privilege, the refusal to answer a question must be specifically stated by the witness to be based on the protection afforded by the Uniform Code of Military Justice, Article 31, or by the Fifth Amendment to the Constitution of the United States. It is the proper province of the board in each case to decide whether the stated reason is well taken. Whenever it appears appropriate, the rights of a witness should be explained to him (see paragraph 150, MCM 1951, page 283).

(e) Depositions, certificates, affidavits, and stipulations may be received and considered by the board in cases where it is impracticable or impossible for a witness to appear personally. For this pur-

pose, the commander of the installation where or nearest to which the witness can be found will be requested to obtain the deposition or affidavit. Commanders receiving such requests will comply therewith without unnecessary delay.

(f) The board is authorized to dispense with formal proof of the authenticity of documents provided that it is satisfied that a document is what it purports to be, and it is impracticable to produce a witness to identify the document. In most cases, the authenticity of a document may be established by stipulation. Whenever true copies are introduced to replace original exhibits to be withdrawn, each copy must be authenticated by the recorder. Regarding lost documents, and bulky or numerous writings, see paragraph 143a(2), MCM 1951, page 258. Copies of public records are regarded as sufficiently authenticated when obtained by or for the board, or at its request. Decision as to the proof required of the authenticity of such documents rests with the board.

(g) The respondent or his counsel may, at any time during the proceedings, submit a written brief covering the whole or any phase of the matter under investigation.

(h) Unless specifically authorized by law, boards of officers are not empowered to compel the attendance of civilian witnesses by process or otherwise. The Uniform Code of Military Justice, Articles 46 and 47, does not apply to proceedings of boards of officers. In the absence of specific authority to the contrary, civilian witnesses appearing before boards of officers in behalf and at the request of a respondent will not be reimbursed by the Government for expenses incurred by so appearing.

§ 866.11 Prejudicial allegations.

When matters adverse or prejudicial to the conduct, efficiency, fitness, or pecuniary liability of any person subject to the jurisdiction of the convening authority arise or become an issue during the course of the investigation, the board, before completing its hearing, will make known to the person concerned, in writing, the precise nature of the prejudicial allegations in a form substantially similar to that prescribed by § 866.6 (see also § 866.8(c)). The board will extend to such persons the same rights and privileges that would have been extended had the prejudicial allegation originally been before the board. This includes the privilege of representation by counsel as set forth in § 866.8, the right to examine or be apprised of the evidence of record, as provided in § 866.10, to appear and testify, and to call witnesses and present evidence in the person's own behalf. Every report of a board whose findings or recommendations are adverse to the conduct, efficiency, or fitness of a person, or recommend that he be held pecuniarily liable, will contain a positive statement that each such person subject to the jurisdiction of the convening authority has been afforded all of the rights and privileges to which he is entitled under this section, or a positive statement of reasons why such rights and privileges were not so extended to him.

§ 866.12 Absence of person under investigation.

Whenever a person under investigation is or becomes unavailable during the investigation, the president of the board will insure that his rights are protected to the fullest extent possible.

(a) In every case in which a question concerning the conduct, efficiency, fitness, or pecuniary liability of any person is to be investigated, or arises during the hearing, and the notice required by § 866.6 cannot be delivered for any reason, the convening authority will appoint a counsel to represent the interests of the person.

(b) In every case in which a question concerning the conduct, efficiency, fitness, or pecuniary liability of any person is to be investigated, or arises during the hearing, and the notice required by § 866.6 is delivered but the person is unable to appear before the board for any reason not under his control, all of the rights enumerated in § 866.6(a)(7) will be extended to him and the hearing may proceed accordingly.

(c) In every case in which a question concerning the conduct, efficiency, fitness, or pecuniary liability of any person is to be investigated, or arises during the hearing, and the notice required by § 866.6 is delivered but the person voluntarily absents himself from or otherwise neglects to attend the hearing for reasons within his control, the case will be considered in the same manner as one in which notice of the hearing was undeliverable.

§ 866.13 Findings.

The findings recorded will be the substance of the facts material to the issue as established by the evidence. In resolving disputed and conflicting evidence, the members of the board should use their professional knowledge and their best judgment and common sense in weighing the evidence, considering the probability or improbability thereof, and selecting that evidence considered most worthy of belief. Each finding must, however, be supported by evidence of record. In determining the facts, the board may make reasonable inferences based on the evidence, but must avoid conjecture. A finding should be made on each point in question before the board. Each finding should be stated separately in concise and unambiguous language, including specific dates, places, and events.

§ 866.14 Recommendations.

When required by law, regulation, or the order of appointment, the board will make recommendations. Recommendations must be appropriate to and consistent with the findings as well as consonant with applicable laws, regulations, policies, and customs of the service, with due consideration for the best interests of the Government and the person concerned.

§ 866.15 Minority report.

In case of disagreement among members of a board, a minority report should be submitted as to findings, recommendations, or both.

§ 866.16 Preparation of reports of proceedings.

The recorder will be responsible for the proper preparation of the report. Unless otherwise specified in other pertinent directives, the report should conform substantially to the sample format contained in attachment 8, AFM 10-1, February 1, 1960. Its text may be modified to suit the requirements of the particular case. Whenever a verbatim transcript of the testimony is appropriate, the convening authority may furnish a reporter, if available.

§ 866.17 Action on completed proceedings.

In all cases covered in § 866.6(a), after the report of proceedings has been processed for final action, it will be submitted to the staff judge advocate for review as to legal sufficiency before such final action is taken by each commander required by law or regulation to act thereon.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lt. Colonel, U.S. Air Force,
Chief, Special Activities
Group, Office of The Judge
Advocate General.*

[F.R. Doc. 64-11051; Filed, Oct. 29, 1964;
8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 30]

FEDERAL-STATE COOPERATIVE MEAT INSPECTION PROGRAM

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that the Department of Agriculture is considering the issuance of the following regulations to appear in 9 CFR Part 30 pursuant to the Act of September 28, 1962 (7 U.S.C. 450) and the Meat Inspection Act, as amended (21 U.S.C. 71 et seq.), to provide for a Cooperative Federal-State Meat Inspection program with respect to certain establishments.

PART 30—COOPERATIVE FEDERAL-STATE MEAT INSPECTION PROGRAM

§ 30.1 Authority for program; general.

Under the Act of Congress of September 28, 1962 (7 U.S.C. 450), the Secretary of Agriculture, among other things, is authorized, in the administration and enforcement of the Meat Inspection Act (21 U.S.C. 71 et seq.), whenever he deems it feasible and in the public interest, to enter into cooperative arrangements with State agencies charged with the administration and enforcement of State laws relating to meat inspection, and to provide that any such State agency which has adequate facilities, personnel, and procedures, as determined by the Secretary, may assist the Secretary in the administration and enforcement of the Meat Inspection Act to the extent and in the manner he deems appropriate in the public interest. Nothing in the Act of September 28, 1962, affects the jurisdiction of the Secretary under any Federal law. The provisions in this Part 30 state the conditions under which such a cooperative arrangement may be entered into between the Department and a State agency and outline the principles to govern such a cooperative program.

§ 30.2 Conditions for cooperative arrangement.

The Department will enter into a formal memorandum of understanding for a cooperative arrangement with the appropriate agency of any State charged with administering and enforcing the State meat inspection law, whereby such agency will be authorized to conduct Federal meat inspection in accordance with the provisions of this Part 30, the Meat Inspection Act, and the regulations in Parts 1 through 28 of this subchapter, and supplementary instructions issued by the Division, at establishments granted inspection under § 30.6, if the agency makes a request to the Division for such a cooperative arrangement and

establishes to the satisfaction of the Director of Division that its facilities, personnel, and procedures are adequate to administer such meat inspection service in a manner that will effectuate the purposes of the Act of September 28, 1962, and the Meat Inspection Act, and that adequate financing for the operations of the State agency under such an arrangement (including but not limited to payment of the State meat inspectors) will be available from public funds of the State, and the Director finds that such arrangement would otherwise be in the public interest. A cooperative arrangement under this Part 30 may be terminated upon notice by either party.

§ 30.3 Responsibilities of State agency under cooperative arrangement.

Any State agency that enters into a cooperative arrangement under § 30.2 shall:

(a) Assign, in such numbers as are deemed necessary by the Director of Division after consultation with the State agency, State employed inspection personnel and supervisory personnel approved by the Director under § 30.10 to conduct inspections and supervision thereof in accordance with the provisions of this Part 30, the Meat Inspection Act, and the regulations in Parts 1 through 28 of this subchapter, and supplementary instructions issued by the Division, at each establishment within the State which is granted inspection under § 30.6;

(b) Compensate such State inspection personnel and other State employees working in the program, wholly from public funds of the State, including payment of salaries, any per diem, travel and other allowances, and any sick, health, and accident benefits in accordance with State law;

(c) Review proposed labels submitted to the State agency by the operator of each establishment applying for or receiving inspection under § 30.6, and transmit such labels, with the recommendations of the State agency to the Director of Division for Division review in accordance with § 30.6; and notify the establishment operator of the approval or disapproval of the labels by the Director under § 30.6;

(d) In all respects operate the cooperative meat inspection program in the State in accordance with the provisions of this Part 30, the Meat Inspection Act, and the regulations in Parts 1 through 28 of this subchapter and the supplementary instructions (whether written or oral) issued by the Division, including the Manual of Meat Inspection Procedures of the United States Department of Agriculture; and require the State personnel to comply with all instructions relating to meat inspection issued to them by Division supervisory personnel;

(e) Suspend inspection under this Part summarily in accordance with § 30.9, with respect to any establishment granted such inspection whenever such

action is requested by the Director of Division, or is otherwise deemed appropriate by the State agency in accordance with § 30.9;

(f) Suspend summarily in accordance with § 30.10 the approval of any State inspection personnel or supervisory personnel whenever such action is requested by the Director of Division or is otherwise deemed appropriate by the State agency in accordance with § 30.10; and

(g) Require the State personnel working under the cooperative arrangement to make such reports to the Division as the Division may direct and otherwise keep the Division generally informed of operations under the cooperative arrangement.

§ 30.4 Responsibilities of Federal agency under cooperative arrangement.

The Division, as the Federal agency, under a cooperative arrangement made pursuant to § 30.2, will:

(a) Approve or disapprove applications for inspection under this Part 30 at State inspected establishments, including approval or disapproval of blueprints and labels in accordance with § 30.6;

(b) Approve the State inspection personnel and supervisory personnel to perform functions under the provisions of this Part 30, the Meat Inspection Act, and the regulations in Parts 1 through 28 of this subchapter, and supplementary instructions issued by the Division, at establishments granted inspection under § 30.6, upon a determination by the Division under § 30.10 that such personnel are qualified to perform such functions in accordance with said provisions;

(c) Provide Federal supervisory personnel to work cooperatively with the State personnel to assure that inspections made under the cooperative arrangement will be in accord with the provisions of this Part 30, the Meat Inspection Act, and the regulations in Parts 1 through 28 of this subchapter, and the supplementary instructions issued by the Division;

(d) Provide training for State personnel, at federally inspected establishments, Division training facilities, and workshop conferences to the extent feasible;

(e) Conduct periodic in-plant surveys at each establishment granted inspection under § 30.6 to determine that the facilities and operations and the conduct of inspections at the establishment are in accord with the provisions of this Part 30, the Meat Inspection Act, and the regulations in Parts 1 through 28 of this subchapter, and supplementary instructions issued by the Division;

(f) Supply the State agency with Division publications and other instructions and information relating to meat inspection as appropriate;

(g) Suspend summarily or for a specified period or revoke inspection from any establishment in accordance with § 30.9; and

(h) Suspend summarily or for a specified period or revoke approval of any State inspection personnel or supervisory personnel, in accordance with § 30.10.

§ 30.5 Eligibility of establishments for inspection.

Any establishment at which cattle, sheep, swine, or goats are slaughtered or products thereof are prepared for intrastate commerce under the State meat inspection law in any State which has entered into a cooperative arrangement under § 30.2 may receive inspection under this Part 30 upon application and determination of its eligibility therefor under § 30.6.

§ 30.6 Application for and grant of inspection.

(a) *Application form; blueprints.* The operator of any establishment within § 30.5 may apply for inspection under this Part 30 by filing with the appropriate State agency completed MI form 401-A in quadruplicate and four sets of blueprints with specifications of the establishment's layout and facilities as specified in USDA Handbook 191, U.S. Inspected Meat Packing Plants. The forms may be obtained from the State agency or the Division. The State agency will forward the completed copies of the application form and other documents, with its recommendations, to the Washington, D.C., office of the Meat Inspection Division, which will determine whether the information given in the application, the blueprints and the specifications meet the requirements under the Meat Inspection Act. The State agency will be notified and will inform the operator of the establishment, of this determination. If the information in the application and the blueprints and specifications are approved, a survey will be made of the establishment by a Division representative to determine whether the establishment conforms to the blueprints and specifications, upon notification by the operator of the establishment to the State agency, and by the latter to the Division, that the establishment is believed to be in conformity with the blueprints and specifications. The Division will notify the State agency, which will then inform the operator of the establishment, of the results of the survey.

(b) *Label approval.* The operator of any establishment for which inspection under this Part 30 is desired and which has met the survey requirements of paragraph (a) of this section shall submit the labels it proposes to use at such establishment to the State agency which will transmit the labels to the Director of Division in accordance with § 30.3. The labels will be approved or disapproved by the Director in accordance with policies of the Division under the Meat Inspection Act and the State agency will be notified of such action.

(c) *Grant of inspection.* Upon approval of the establishment and its proposed labels under this section, the Director of Division will issue a grant of inspection under this Part 30 to such establishment and will notify the State agency of such action. Inspection will

not be provided under this Part 30 until such grant is issued.

§ 30.7 Effect of grant of inspection.

A grant of inspection under § 30.6 for any establishment will authorize the inauguration of inspection by State employed inspection personnel at the establishment in accordance with the provisions of this Part 30, the Meat Inspection Act, and the regulations in Parts 1 through 28 of this subchapter, and supplementary instructions issued by the Division, and the use by such personnel of Federal marks of inspection on inspected and passed product prepared at such establishment in accordance with said provisions. Such product so marked shall be eligible for distribution in interstate or foreign commerce as if inspected and passed and so marked by inspectors appointed under the Meat Inspection Act.

§ 30.8 Obligations of operators of establishments granted inspections.

Each establishment granted inspection under this Part 30 shall be operated and maintained in accordance with the provisions of this Part and the Meat Inspection Act and the regulations in Parts 1 through 28 of this subchapter, and supplementary instructions issued by the Division.

§ 30.9 Suspension or revocation of grant of inspection.

The Director of Division may suspend for a specified period or revoke the grant of inspection with respect to any establishment if he finds after consultation with the State agency and opportunity to the operator of the establishment to present his views, that the operation of the establishment has not been in accordance with the provisions of this Part 30 or the Meat Inspection Act or the regulations in Parts 1 through 28 of this subchapter, or supplementary instructions issued by the Division to such operator, or the establishment otherwise does not meet the requirements of said provisions. Pending final determination the Director or the State agency may summarily suspend inspection whenever there is reason to believe that cause exists for suspension under this § 30.9.

§ 30.10 Approval and suspension or revocation of approval of State personnel.

(a) *Requirements for approval.* State-employed and State-paid meat inspection personnel (veterinarians or non-veterinarians), will be approved by the Director of Division to perform inspections or supervisory functions under the provisions of this Part 30, the Meat Inspection Act and the regulations in Parts 1 through 28 of this subchapter, and supplementary instructions issued by the Division, if they are found by the Director to have the qualifications required of Federal meat inspectors appointed to perform comparable functions under the Meat Inspection Act, and to be willing to carry out the responsibilities imposed by said provisions. The State employees must be employed under a State civil service system. The veterinary meat

inspectors must be graduates of veterinary colleges recognized by the U.S. Civil Service Commission.

(b) *Notification of approval or disapproval; authority of approved inspectors.* Notice of approval of a State employee or of disapproval of such an employee and the reasons therefor under this section will be given by the Director of Division to the State agency. State employees approved as inspectors under this § 30.10 will be notified in writing by the State agency of their designation as meat inspectors and will have the same authority as inspectors appointed under the Meat Inspection Act in conducting meat inspection pursuant to the provisions of this part, the Meat Inspection Act, and the regulations in Parts 1 through 28 of this subchapter and supplementary instructions issued by the Division. Similarly, State supervisory personnel approved under this § 30.10 will be notified of such approval by the State agency. Written notice of disapproval of any State employee under this section, and the reason therefor, will be given to the employee by the State agency. State employees approved under this section shall not be deemed to be officers or employees of the Federal Government of the United States.

(c) *Suspension or revocation of approval.* Approval of any State employee under this § 30.10 may be suspended for a specified period or revoked by the Director of Division at any time after consultation with the State agency and opportunity for the employee to present his views, when the Director finds that such employee is not qualified to carry out his responsibilities as an approved inspector or supervisor under the provisions of this Part 30, the Meat Inspection Act, and the regulations in Parts 1 through 28 of this subchapter, and supplementary instructions issued by the Division, because of his conduct or performance on the job or other reasons, or because he has accepted any money or other thing of value from the operator of any establishment granted inspection under this Part 30 or any other establishment engaged in slaughtering livestock or preparing product, or from any employee or agent of any such operator. Pending final determination, the Director or the State agency may summarily suspend such approval whenever there is reason to believe that cause for suspension exists under this § 30.10.

§ 30.11 Definitions.

Terms used in this Part 30 shall have the meanings ascribed thereto in § 1.1 of this subchapter, except where the context otherwise requires.

Any interested persons who wish to submit written data, views or arguments on the proposed Part 30 may do so by filing them with the Director, Meat Inspection Division, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C., 20250, within 60 days after publication hereof in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner con-

venient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 27th day of October 1964.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 64-11097; Filed, Oct. 29, 1964;
8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-SO-39]

CONTROL ZONES AND TRANSITION AREAS

Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter the existing control zones and designate transition areas for Columbia Airport, North AF Auxiliary Field, McEntire ANGB, and Shaw AFB, South Carolina.

The Columbia, S.C., control zone is presently designated within a 5-mile radius of Columbia Airport within 2 miles either side of the Columbia VOR 326° radial extending from the 5-mile radius zone to the VOR and within 2 miles either side of the Columbia ILS localizer SW course extending from the 5-mile radius zone to 7 miles SW of the OM.

The North, S.C., control zone is presently designated within an 8-mile radius of North AFAF and within 2 miles either side of a 233° bearing from the airport extending from the 8-mile radius zone to 10 miles SW of the airport.

The Eastover, S.C., control zone is presently designated within a 5-mile radius of McEntire ANGB, Eastover, S.C.

The Sumter, S.C., control zone is presently designated within a 5-mile radius of Shaw AFB, Sumter, S.C.

The Columbia, S.C., transition area is presently described as that airspace extending upward from 1200 feet above the surface within 10 miles SW and 7 miles NE of the Columbia VOR 329° radial, extending from 9 miles NW to 41 miles NW of the VOR, excluding the airspace within Federal Airways.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Columbia, S.C., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29 (26 F.R. 570 and 27 F.R. 4012), proposes the airspace actions hereinafter set forth.

1. The Columbia, S.C., control zone would be redesignated within a 5-mile radius of the Columbia Airport (latitude 33°56'26" N., longitude 81°07'13" W.), within 2 miles each side of the Columbia VORTAC 329° radial extending from the 5-mile radius zone to one mile NW of the VORTAC and within 2 miles each side of the Columbia ILS localizer W course extending from the 5-mile radius zone to one-half mile east of the OM.

2. The North, S.C., control zone would be redesignated within a 5-mile radius of North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.) and within 2 miles each side of the North AFAF, TACAN 234° radial extending from the 5-mile radius zone to 8 miles SW of the TACAN. This control zone shall be effective only during specific dates and times established 30 days in advance by a Notice to Airmen and continuously published in the Airman's Guide.

3. The Eastover, S.C., control zone would be redesignated within a 5-mile radius of McEntire ANGB (latitude 33°55'26" N., longitude 80°48'14" W.) and within 2 miles each side of the McEntire VOR 139° radial extending from the 5-mile radius zone to 10.5 miles SE of the VOR.

4. The Sumter, S.C., control zone would be redesignated within a 5-mile radius of Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.), within 2 miles each side of the Shaw VOR 010° and 235° radials extending from the 5-mile radius zone to 12 miles N and 10.5 miles SW of the VOR and within 2 miles each side of the Shaw TACAN 033° and 213° radials extending from the 5-mile radius zone to 8 miles N and 13 miles S of the TACAN. The portion within R-6002 shall be used only after obtaining approval from appropriate authority.

5. The Columbia, S.C., transition area would be redesignated as that airspace extending upward from 700 feet above the surface within a 9-mile radius of the Columbia Airport (latitude 33°56'26" N., longitude 81°07'13" W.) and within 5 miles N and 8 miles S of the Columbia ILS localizer W course extending from the 9-mile radius area to 12 miles W of the OM; that airspace extending upward from 1200 feet above the surface bounded by a line beginning at the point of intersection of a 60-mile arc centered on Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.) and the W boundary of V-155, extending clockwise along this arc to the W boundary of V-3, thence S along the W boundary of V-3 and W along the N boundary of V-18S (as proposed in Docket No. 64-SO-18) to the W boundary of V-37, thence to latitude 33°08'45" N., longitude 81°22'40" W., thence counterclockwise along the boundary of R-6004 to latitude 33°23'25" N., longitude 81°37'00" W., thence N to latitude 33°46'00" N., longitude 81°37'00" W., thence to the intersection of the N boundary of V-155 and longitude 81°41'30" W., thence NE along the N boundary of V-155 to its intersection with a line 10 miles SW and parallel to the centerline of V-53, thence NW along this line to its intersection with latitude 34°15'30" N., thence NE to latitude 34°30'00" N., longitude 81°02'00" W., thence NE to point of beginning; including that airspace extending from 7000 feet above mean sea level within 5 miles each side of the Shaw AFB TACAN 008° radial extending from the N boundary of the 1200-foot transition area to 60 miles N of the TACAN. The portion within R-6001 and 6002 shall be used only after obtaining approval from appropriate authority.

6. A North, South Carolina, transition area would be designated as that airspace extending upward from 700 feet above the surface within an 8-mile radius of North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.). This transition area shall be effective only during the specific dates and times established at least 30 days in advance by a Notice to Airmen and continuously published thereafter in the Airman's Guide.

7. A Sumter, S.C., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Shaw AFB (latitude 33°58'15" N., longitude 80°28'19" W.), within 5 miles SE and 8 miles NW of the Shaw VOR 234° radial extending from the Shaw 7-mile radius area to 12 miles SW of the VOR, within 2 miles each side of the Shaw ILS localizer SW course extending from the Shaw 7-mile radius area to 12 miles SW of the Shaw OM; within an 8-mile radius area of McEntire ANGB (latitude 33°55'26" N., longitude 80°48'14" W.), within 5 miles NE and 8 miles SW of the McEntire VOR 139° radial extending from the McEntire 8-mile radius area to 12 miles SE of the VOR; and within a 5-mile radius of Sumter Airport (latitude 33°59'39" N., longitude 80°21'45" W.). The portion within R-6001 and R-6002 shall be used only after obtaining approval from appropriate authority.

The proposed control zones for McEntire ANGB and Shaw AFB are necessary to protect prescribed instrument approach and departure procedures. The redesignated Columbia control zone is necessary to protect the existing VOR approach and the proposed approach procedures on the new instrument landing system.

The redesignated control zone and designated transition area for North AFAF would be part-time, effective only when North AFAF is in use by the Air Force.

The proposed transition areas are necessary to protect prescribed instrument departure procedures, holding patterns, transition routes, procedure turn maneuvering areas and missed approaches in the Columbia, South Carolina, terminal area complex.

The floors of airways which traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Georgia, 30320. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become

part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Georgia.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Georgia, on October 21, 1964.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 64-11071; Filed, Oct. 29, 1964;
8:48 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-127]

CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

Proposed Alteration, Designation, and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Fort Wayne, Indiana, terminal area.

The following controlled airspace is presently designated in the Fort Wayne, Indiana, terminal area:

1. The Fort Wayne control zone which lies within a 5-mile radius of Baer Field, Fort Wayne, Indiana; within 2 miles each side of the 231° bearing from the Fort Wayne RBN, extending from the 5-mile radius zone to 10 miles SW of the RBN; within 2 miles either side of the Fort Wayne ILS localizer SE course extending from the 5-mile radius zone to 12 miles SE of the OM and within 2 miles either side of the Fort Wayne VORTAC 103°, 232°, 259° and 325° radials extending from the 5-mile radius zone to 12 miles E, SW, W and NW of the VORTAC.

2. The Fort Wayne control area extension which lies within that airspace S of Fort Wayne bounded on the E by V-55, on the SE by V-14, and on the NW by V-11W alternate and V-96; the airspace W of Fort Wayne within a 40-mile radius of the Fort Wayne VORTAC bounded on the SE by V-11W alternate and V-96 and on the NE by V-277.

3. The Goshen, Indiana, control area extension which lies within a 15-mile radius of the Goshen VOR, including the airspace NE of the Goshen VOR bounded on the W by V-277, on the N by V-10, on the NE by V-30 and on the S by V-92.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Fort Wayne, Indiana, terminal area, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 69-21/60-29, proposes the following airspace actions:

1. Redesignate the Fort Wayne control zone as that airspace within a 5-mile

radius of Baer Field (latitude 40°58'50" N., longitude 85°11'25" W.) within 2 miles each side of the Fort Wayne VORTAC 038° radial extending from the 5-mile radius zone to 7 miles NE of the VORTAC; within 2 miles each side of the Fort Wayne VORTAC 228° radial extending from the 5-mile radius zone to 12 miles SW of the VORTAC; within 2 miles each side of the Fort Wayne VORTAC 265° radial extending from the 5-mile radius zone to 8 miles W of the VORTAC; within 2 miles each side of the Fort Wayne VORTAC 320° radial extending from the 5-mile radius zone to 8 miles NW of the VORTAC and within 2 miles each side of the 231° bearing from the Fort Wayne RBN extending from the 5-mile radius zone to 12 miles SW of the RBN.

2. Designate the Fort Wayne transition area as that airspace extending upward from 700 feet above the surface within a 17-mile radius of Baer Field (latitude 40°58'50" N., longitude 85°11'25" W.); and that airspace extending upward from 1200 feet above the surface within the area bounded by a line beginning at latitude 41°40'00" N., longitude 85°30'00" W., thence to latitude 41°40'00" N., longitude 84°50'00" W.; to latitude 41°48'10" N., longitude 84°50'00" W.; to latitude 41°48'00" N., longitude 84°46'00" W.; to latitude 41°44'00" N., longitude 84°28'00" W.; to latitude 41°32'00" N., longitude 84°31'00" W.; to latitude 41°21'00" N., longitude 84°40'00" W.; to latitude 40°46'00" N., longitude 84°40'00" W.; to latitude 40°30'00" N., longitude 84°49'00" W.; to latitude 40°30'00" N., longitude 85°22'00" W.; to latitude 40°40'00" N., longitude 85°30'00" W.; to latitude 40°40'00" N., longitude 85°50'00" W.; to latitude 41°20'00" N., longitude 85°50'00" W.; to latitude 41°20'00" N., longitude 85°30'00" W.; thence to point of beginning.

3. Revoke the Goshen, Indiana, control area extension.

The Fort Wayne control area extension which will coincide in part with the transition area proposed herein will be revoked at a later date. This revocation will be proposed after studies attendant to the implementation of the Civil Air Regulations Amendments 60-21/60-29 have been completed for adjoining terminal areas.

The proposed alteration of the Fort Wayne control zone will eliminate the existing east and southeast extensions. In addition, it will realign and reduce the sizes of the existing west and northwest extensions so that they will correspond with the final approach courses specified in Fort Wayne instrument approach procedures. Additionally, the southwest extension will be realigned so as to provide protection for aircraft executing high altitude instrument approach procedures. The proposed extension to the northeast will provide protection for aircraft executing VOR instrument approaches to Runway 22. These four extensions will provide protection for aircraft executing prescribed instrument approach procedures during their descent below 1000 feet above the surface. Adequate protection for random departures from all

runways will be provided by the 5-mile circle.

By the proposed designation of the Fort Wayne transition area, the floor of the controlled airspace beyond the immediate vicinity of Baer Field would be raised from 700 to 1,200 feet above the surface. The portion of the transition area with a floor of 700 feet above the surface would provide protection for aircraft receiving radar services and for aircraft executing prescribed instrument approach procedures. The portion of the transition area with a floor of 1,200 feet above the surface would provide protection for aircraft in prescribed holding patterns, for jet aircraft making penetrations, for enroute aircraft being vectored by the Chicago Air Route Traffic Control Center and for aircraft making enroute penetrations in preparation for instrument approaches into Fort Wayne.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein but operational complexity would not be increased nor would aircraft performance or landing minimums be adversely affected.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Missouri, on October 16, 1964.

KIRBY L. BRANNON,
Acting Director, Central Region.

[F.R. Doc. 64-11070; Filed, Oct. 29, 1964;
8:48 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-31]

TRANSITION AREA**Proposed Alteration**

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Pontiac, Michigan, terminal area.

The Pontiac, Michigan, transition area is presently designated as:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Pontiac Municipal Airport (latitude 42°39'55" N., longitude 83°25'05" W.) and within 2 miles each side of the Pontiac VOR 271° radial, extending from the 7-mile radius area to 8 miles W. of the VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Pontiac, Michigan, terminal area, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 60-21/60-29, proposes the following airspace actions: Alter the transition area in the Pontiac, Michigan, terminal area by redesignating it as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Pontiac Municipal Airport (latitude 42°39'55" N., longitude 83°25'05" W.) and within 5 miles N and 8 miles S of the Pontiac VOR 091° and 271° radials extending from 2 miles E to 12 miles W of the Pontiac VOR.

The instrument approach procedure for Pontiac Municipal Airport will be revised to permit an approach from the holding pattern without executing a procedure turn. The revised procedure turn altitude will be less than 1500 feet above the surface and the additional 700-foot transition area will provide protection for aircraft executing the instrument approach procedure.

Certain minor revisions to prescribed instrument procedures would be affected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected.

Specific details of the changes in procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110.

Interested persons may submit such written data, views on arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the

Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Missouri, on October 19, 1964.

KIRBY L. BRANNON,
Acting Director, Central Region.

[F.R. Doc. 64-11072; Filed, Oct. 29, 1964;
8:48 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-66]

TRANSITION AREA, CONTROL ZONE, AND CONTROL AREA EXTENSION**Proposed Designation, Redesignation and Revocation**

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Grand Island, Nebraska, terminal area.

The following controlled airspace is presently designated in the Grand Island, Nebraska, terminal area:

1. The Grand Island, Nebraska, control zone is designated as that airspace within a 5-mile radius of Grand Island Airport (latitude 40°58'04" N., longitude 98°18'51" W.), and within 2 miles E and 3 miles W of the Grand Island VOR 360° radial, extending from the 5-mile radius zone to 12 miles N of the VOR.

2. The Grand Island, Nebraska, control area extension is designated as that airspace within 18 miles W and 7 miles E of the Grand Island VOR 180° and 360° radials extending from 9 miles S to 34 miles N of the VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Grand Island, Nebraska, terminal area, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 60-21/60-29, proposes the following airspace actions:

1. Revoke the Grand Island, Nebraska, control area extension.

2. Redesignate the Grand Island, Nebraska, control zone as that airspace within a 5-mile radius of the Grand Island Municipal Airport (latitude 40°58'04" N., longitude 98°18'51" W.), and within 2-miles each side of the Grand Island VORTAC 360° radial extending from the 5-mile radius zone to a point 8-miles N of the VORTAC, and within 2-miles each side of the Grand Island VORTAC 306° radial extending from the 5-mile radius zone to a point 8-miles NW

of the VORTAC, and within 2-miles each side of Grand Island VORTAC 180° radial extending from the 5-mile radius zone to a point 7-miles S of the VORTAC.

3. Designate the Grand Island, Nebraska, transition area as that airspace extending upward from 700-feet above the surface within an 8-mile radius of the Grand Island Municipal Airport (latitude 40°58'04" N., longitude 98°18'51" W.), and within 5-miles E and 8-miles W of the Grand Island VORTAC 360° radial extending from the 8-mile radius to a point 12-miles N of the VORTAC, and within 5-miles NE and 8-miles SW of the Grand Island VORTAC 306° radial extending from the 8-mile radius to a point 12-miles NW of the VORTAC, and that airspace extending upward from 1200-feet above the surface within 5-miles E and 8-miles W of the Grand Island VORTAC 360° radial extending from 12-miles N of the VORTAC to the S edge of V-172, and within 5-miles E of the Grand Island VORTAC 180° radial and 5-miles W of the Grand Island VORTAC 201° radial bounded on the N by the arc of an 8-mile radius circle centered on Grand Island Municipal Airport, bounded on the S by a line 5-miles NW of and parallel to the Hastings VOR 066° radial, bounded on the W by a line 5-miles NE of and parallel to the Hastings VOR 338° radial.

The floors of the airways which traverse the transition area proposed would automatically coincide with the floors of the transition area.

The replacement of the Grand Island, Nebraska, terminal area and will make Grand Island, Nebraska, transition area will reduce the amount of controlled airspace designated in the Grand Island, Nebraska, terminal area and will make additional airspace available for other uses. The proposed control zone is required to contain aircraft executing departures and missed approach procedures until reaching 700 feet above the ground. The extensions are required to protect aircraft executing civil and military approach procedures. The proposed 1200-foot and 700-foot transition areas are necessary to contain holding, departure, missed approach, and transition procedures.

Specific details of the changes in procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825, Troost Avenue, Kansas City, Missouri, 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences

with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Missouri, on October 14, 1964.

KIRBY L. BRANNON,
Acting Director, Central Region.

[F.R. Doc. 64-11073; Filed, Oct. 29, 1964;
8:48 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-113]

**BROWNSVILLE, TEX., TRANSITION
AREA**

Proposed Designation

Correction

In F.R. Doc. 64-10212, appearing at page 13905 of the issue for Thursday, October 8, 1964, the following correction is made in item 4 of the proposed airspace actions appearing on page 13906: In the 23d line of item 4, "latitude 36° 51'00'' N.," should read "latitude 26° 51'00'' N.,".

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T.D. Order 150-62]

COMMISSIONER OF INTERNAL REVENUE

Delegation of Certain Functions Relating to Extensions of Time

By virtue of and pursuant to the authority vested in me by Reorganization Plan No. 26 of 1950, there are hereby transferred to the Commissioner of Internal Revenue the functions of the Secretary of the Treasury—

(1) Under section 6081 of the Internal Revenue Code of 1954 with respect to the granting of extensions of time for filing any return, declaration, statement, or other document required by chapter 41 of such Code as added by the Interest Equalization Tax Act (78 Stat. 809); and

(2) Under section 6161 of such Code with respect to granting extensions of time to pay the tax shown, or required to be shown, on any return or declaration required under such chapter 41 of such Code.

The functions herein transferred to the Commissioner may be exercised by any officer or employee of the Internal Revenue Service who is so authorized by the Commissioner, under such rules as may be prescribed by him.

Dated: October 26, 1964.

[SEAL]

DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 64-11077; Filed, Oct. 29, 1964;
8:48 a.m.]

[AA 643.3-m]

LITHARGE FROM MEXICO

Fair Value Determination

OCTOBER 24, 1964.

An allegation was received that litharge from Mexico was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that litharge from Mexico is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. Five Mexican firms were exporting litharge to the United States. Of the five, four were found to be selling to United States purchasers who were unrelated within the meaning of section 207 of the Antidumping Act. These firms had sold in the home market in sufficient quantities to afford a proper basis of comparison. Therefore, with regard to these four producers, purchase price was compared with home market price for fair value purposes.

Sales by the fifth company were made to a United States purchaser to which it was related within the meaning of section 207 of the Antidumping Act. With respect to this producer, sales in the home market were insufficient in relation to its sales for export to countries other than the United States to afford a proper basis of comparison. With respect to this manufacturer, exporter's sales price was compared with the highest home market price of similar merchandise produced by another manufacturer.

Several methods of pricing for export to the United States were used by the manufacturers involved, with terms varying from f.o.b. factory to duty paid, delivered United States purchaser's premises. In the calculation of purchase price, freight, United States duty, brokerage fees and other expenses incurred in Mexico and the United States have been deducted as appropriate to the particular sale.

Exporter's sales price has been calculated by deducting from the resale price in the United States, freight, duty, selling expenses in the United States, advertising, inland charges and brokerage fee.

Sales in the home market were made at varying terms. Delivery charges, and a cash discount have been deducted from the home market price, where appropriate. Adjustment has been made as applicable for differences in commission, and for differences in quantities sold in the home market as compared with the quantities sold for export to the United States.

Comparison between purchase price, or exporter's sales price, and home market price reveals that with respect to four manufacturers home market price from time to time exceeded purchase price, or exporter's sales price. This was the result of the uneven fluctuations of the United States and Mexican lead markets during the period, but as the markets adjusted one to the other, this situation corrected itself. With respect to the fifth producer, however, margins existed throughout the whole period under consideration. The quantity and amount involved in these sales are, however, deemed to be not more than insignificant, there having been but one shipment reported since January 1, 1964. The manufacturer has been informed that should shipments resume in which purchase price is less than home market price, the case could be reopened with respect to such shipments.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL]

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-11078; Filed, Oct. 29, 1964;
8:49 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ANDREAS SPEISER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Professor Dr. Andreas Speiser, 60 Sevogelstrasse, CH-4000 Basel, Switzerland, Claim No. 37393, Vesting Order No. 500A-107, \$495.18 in the Treasury of the United States.

Executed at Washington, D.C., on October 26, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 64-11081; Filed, Oct. 29, 1964;
8:49 a.m.]

FRIEDRICH REICHERT

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Friedrich Reichert, P.O. Box 73, Station H, Montreal, Canada, Claim No. 67026, Vesting Order No. 9693, \$1,722.30 in the Treasury of the United States.

Executed at Washington, D.C. on October 26, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 64-11082; Filed, Oct. 29, 1964;
8:49 a.m.]

CAROLINA VAN STYRUM- GOEDEWAAGEN ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended,

notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Carolina van Styrum-Goedewaagen, 1 Mid-denlaan, Haarlem, The Netherlands, \$3,127.17 in the Treasury of the United States; Swiss Credit Bank, Zurich, Switzerland, \$16,100.00 in the Treasury of the United States; Carrie Wirkler, 1501 6th Avenue SE., Cedar Rapids, Iowa, \$1,175.00 in the Treasury of the United States, Claim No. 61897, Vesting Order Nos. 18323 and 18324.

Union Financiere Luxembourgeoise, S.A., 69A, Boulevard de Stalingrad, Luxembourg, Luxembourg, Claim Nos. 63480 and 61897, Vesting Order No. 18324, \$2,000.00 in the Treasury of the United States.

Executed at Washington, D.C. on October 26, 1964.

For the Attorney General.

ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 64-11083; Filed, Oct. 29, 1964; 8:49 a.m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

NBS STATION WWVH, MAUI, HAWAII

Change in Schedule

Propagation Forecasts given every five minutes in Morse Code from WWVH during the first half of each fifth minute of the hour will be discontinued at 0000 UT November 1, 1964.

These were issued by the North Pacific Radio Warning Service at Anchorage, Alaska. This NBS field station is reorienting its mission and will be known as the CRPL High Latitude Space Environment Monitoring Station as of November 1, 1964. It will concentrate on the monitoring and rapid reporting of geophysical events of interest not only to HF radio propagation users but also to those interested in changes in our space environment. Thus, though HF propagation notices will no longer be given on WWVH, it is anticipated that at a later date, as the need develops, some other statement upon solar and geophysical activity may be disseminated in their place.

Propagation forecasts will continue to be given every five minutes from WWV. Though these forecasts are specifically for the North Atlantic Area, to the extent that disturbed conditions prevail throughout the entire northern auroral region, they will also be generally applicable to the North Pacific Area.

A. V. ASTIN,
Director,
National Bureau of Standards.

[F.R. Doc. 64-11039; Filed, Oct. 29, 1964; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

HOPS EXTRACT CORPORATION OF AMERICA

Notice of Filing of Petition Regarding Food Additive Methylene Chloride

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5A1574) has been filed by Hops Extract Corporation of America, P.O. Box 341, Yakima, Washington, 98901, proposing the issuance of a regulation to provide for the safe use of methylene chloride as a solvent in the extraction of hops. A tolerance is proposed of 2.2 percent methylene chloride in the hop extract to be used in the production of beer.

Dated: October 23, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner
for Regulations.

[F.R. Doc. 64-11052; Filed, Oct. 29, 1964; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14148, Order E-21447]

BLOCKED SPACE SERVICE

Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of October 1964.

Petitions for reconsideration of the Board's Policy Statement on Blocked Space (PS-24, August 7, 1964, 29 F.R. 11589) and supporting answers have been filed by eight combination carriers,¹ by an association of indirect carriers;² by two labor organizations;³ by the aeronautics departments of two states, and by 24 local communities and Chambers of Commerce;⁴ and by 12 companies

¹ Pan American World Airways, Inc.; Braniff Airways, Inc.; Trans World Airlines, Inc.; American Airlines, Inc.; Delta Air Lines, Inc.; United Air Lines, Inc.; National Airlines, Inc.; Northwest Airlines, Inc.

² Air Freight Forwarders Association.

³ Allied Pilots Association; Master Executive Councils of Pilots of Braniff Airways, et al.

⁴ Michigan Department of Aeronautics; Department of Aeronautics of the State of Illinois; City of Memphis, et al.; Chamber of Commerce, Borough of Queens; San Diego United Port District; City of Cincinnati, Ohio, et al.; City of Dallas, et al.; City of Little Rock, et al.; City of Cleveland, et al.; Tucson Airport Authority; Columbus Area Chamber of Commerce; City of Columbus, et al.; Louisville Chamber of Commerce; City of Kansas City, Missouri, et al.; Empire State Chamber of Commerce; Buffalo Area Chamber of Commerce; The Long Island Association, Inc.; Phoenix Chamber of Com-

merce; Arkansas Industrial Development Commission; White Plains Chamber of Commerce; Niagara Frontier Port Authority; Rochester Chamber of Commerce; Commerce and Industry Association of New York, Inc.; Mayor and City Council of Baltimore, et al.; Greater Detroit Board of Commerce; Niagara Frontier Industrial Traffic League.

which ship and/or receive via air freight.⁵ Answers opposing the petitions for reconsideration and supporting the policy statement have been filed by Airlift International, Inc. and by The Slick Corporation. Upon consideration of the matters presented, we find that no modification of the policy statement is warranted or required.

A number of the petitions and supporting answers contend that PS-24 was unlawfully issued and that implementation of PS-24 will require unlawful Board action. In particular, it is contended that interested persons were not given adequate prior notice or adequate opportunity to comment; that the policy statement is arbitrary and unreasonable; that the Board exceeded its power under section 416(a) of the Federal Aviation Act of 1958; that implementation of the policy statement will require unlawful revocation or modification of certificates and unlawful rate-making action; and that implementation of the policy statement will lead to an unlawful grant of indirect air carrier authority to the combination carriers.

A number of these arguments have already been made to the Board in the course of the voluminous written comments and the oral argument which preceded the promulgation of PS-24. After consideration of the arguments now presented, we remain unconvinced that PS-24 was unlawfully issued or that it contemplates unlawful action in the future.

It has been argued that implementation of the policy statement will result in a legal modification of certificates (i.e., in a modification which must be preceded by evidentiary hearings). The persons making this argument assume without discussion that because implementation of the policy statement will affect the operations of certificate holders, there will be a legal modification. This assumption ignores a number of cases holding that not all regulatory actions which result in restrictions on the operations of licensees are legal modifications, and that certain restrictions may be imposed by rule making methods. See, e.g., *Air Line Pilots Ass'n v. Quesada*, 276 F. 2d 892 (C.A. 2, 1960); 286 F. 2d 319 (C.A. 2, 1961), cert. denied, 366 U.S. 962. We adhere to the view that the restrictions which may result

merce; Arkansas Industrial Development Commission; White Plains Chamber of Commerce; Niagara Frontier Port Authority; Rochester Chamber of Commerce; Commerce and Industry Association of New York, Inc.; Mayor and City Council of Baltimore, et al.; Greater Detroit Board of Commerce; Niagara Frontier Industrial Traffic League.

⁵ Cutter Laboratories; I-T-E Circuit Breaker Company; Theodor Manufacturing Corporation; Jones & Laughlin Steel Corporation; Allegheny Ludlum Steel Corporation; Christensen Diamond Products Company; H. J. Heinz Company; The Travelodge Corporation; Beall Greenhouse Company, Inc.; Portland Fish Company; H. K. Porter Company, Inc.; Westinghouse Electric Corporation.

from implementation of PS-24 are restrictions of this type.⁶

Similarly we are not persuaded by the policy considerations raised against PS-24. Many of these arguments were previously presented to the Board and a number of them were discussed in PS-24. Some of the newly presented arguments seem wide of the mark, such as the contention that we have not acted to fulfill our "primary responsibility * * * to promote air transportation, not a particular class of carrier." We might first point out that the two concepts are not mutually exclusive and that frequently a decision which is in the best interests of air transportation will also particularly benefit one class of carrier, or even one individual carrier. Apart from this, we might repeat (this point was discussed at some length in PS-24) that we have concluded that permitting the all-cargo carriers to develop as large volume specialists is the best means of promoting air transportation in the form of greatly improved service for large volume shippers. Moreover, as we also indicated in the policy statement, the development of the all-cargo carriers as large volume specialists should be followed by a shift of small volume traffic to the combination carriers, and the ultimate result may be increased revenues for both combination and all-cargo carriers.

We have also given careful consideration to the contention that implementation of the policy statement will have an unfavorable impact upon cities not served by all-cargo carriers because shippers in those cities will be unable to ship at the low blocked space rates available to competing shippers in cities served by all-cargo carriers. In the first place there is no indication that the combination carriers, even if permitted to do so, would offer blocked space service at cities not served by all-cargo carriers.⁷ We would also point out that cities are entitled to those classes of service which the carriers certificated for such points are authorized to provide and which the traffic generating potential can support. For example, some cities receive first class passenger service but no coach service; some receive passenger service, but no all-cargo service by any carrier; and others receive no air service at all. To the extent that cities, not now served by all-cargo carriers, can demonstrate a significant demand by regular shippers of large volume for blocked space service, the Board will give due consideration to applications by all-cargo carriers for necessary authorizations to serve additional points.

⁶ It should also be noted that the petitions and answers contain little indication of why the protesting parties believe that their contentions could best be developed through evidentiary hearings.

⁷ The three combination carriers which filed tariffs to match those of The Slick Corporation (American Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc.) stated that their filings were for defensive purposes only.

Additionally, some of the communities question the ability of the combination carriers, once the Board's policy is implemented, to continue to offer all-cargo service with the same frequency now being provided. A similar contention is made by the employees of combination carriers, who fear a prospective reduction in employment arising from curtailment of all-cargo flights. We are not convinced that the impact upon communities and upon employees will be as immediate or as great as the petitions and answers allege. In particular, we believe that the overall growth of air transportation will lead to an increase in flight crew employment which will more than offset the impact, if any, upon the employees of combination carriers. On balance, it is our conclusion that air transportation as a whole will be benefited if all-cargo carriers are given the exclusive right to provide blocked space service.

Finally, we must stress here as we did in connection with our recent amendments to Part 207⁸ that our policy on blocked space service is not an immutable one. We have acted in the light of the present and reasonably foreseeable circumstances. The policy is thus subject to amendment as the blocked space experiment develops, and we, of course, retain our power to issue waivers under appropriate circumstances.

Accordingly, it is ordered, That the petitions for reconsideration of the Board's decision in this proceeding be and they hereby are denied.

Item	Agreement CAB 17869	IATA Memo- randum	From	To	Rates in cents per Kg.	Minimum weight in Kgs.
1 6002	R-12-----	3215	Madrid-----	Panama City-----	125	200
2 1195	R-13-----	3216	Bissau-----	New York-----	138	100

¹ Chemicals, Dyes, Fertilizers, Insecticides, Paints, Pigments, Varnishes, Drugs, Pharmaceuticals, Medicines, Cosmetics, Soaps, Toilet Preparations, Perfumes, Essential Oils; Gums, Resins and Plastics solely in the form of Sheets, Slabs, Rods, Tubings, Powder and other unfinished forms, N.E.S.

² Furs, Hides, Pelts and Skins, excluding Mink and Wearing Apparel, and parts thereof.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That Agreement C.A.B. 17869, R-12 and R-13, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

⁸ ER-419, adopted September 18, 1964.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-11088; Filed, Oct. 29, 1964;
8:49 a.m.]

[Docket No. 14945; Order E-21446]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of October 1964.

Agreement adopted by Joint Conference 1-2 of the International Air Transport Association relating to specific commodity rates; Docket No. 14945, Agreement C.A.B. 17869, R-12 and R-13.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda JT12/Rates 3215 and 3216, names the following additional specific commodity rates:

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-11089; Filed, Oct. 29, 1964;
8:49 a.m.]

[Docket Nos. 14265, 14367]

EASTERN AIR LINES, INC., DOTHAN AND BRUNSWICK DELETION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled applications is assigned to be held on November 19, 1964, at 10:00 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., October 27, 1964.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-11090; Filed, Oct. 29, 1964;
8:49 a.m.]

[Docket No. 15501]

WONG AVIATION LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled application is assigned to be held on November 5, 1964, at 11:00 a.m., e.s.t., in Room 701, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., October 27, 1964.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-11091; Filed, Oct. 29, 1964;
8:50 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 64-SO-19]

CHICAGO SKY TOWER CORP.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-4756) to determine its effect upon the safe and efficient utilization of navigable airspace.

Chicago Sky Tower Corporation, Chicago, Illinois, proposes to construct an observation tower topped by a 150-foot communications antenna near Clearwater, Florida, at latitude 27°57'18" north, longitude 82°43'37" west. The overall height of the structure would be 871 feet above mean sea level (850 feet above ground).

The structure would be located within the boundaries of five airways and would exceed the standards for determining hazards to air navigation in § 77.23(a) (2) of the Federal Aviation Regulations by 650 feet since it would be more than 200 feet above ground.

The aeronautical study disclosed that the proposed construction would require the following increases:

1. From 1300 feet to 1900 feet in the minimum obstruction clearance altitude (MOCA) and from 1600 feet to 1900 feet in the minimum en route altitude (MEA) on VOR Federal airway No. (V) 35W/97W.
2. From 1300 feet to 1900 feet in the MOCA and from 1700 feet to 1900 feet in the MEA on V97.
3. From 1300 feet to 1900 feet in the MOCA and from 1600 feet to 1900 feet in the MEA on V35.
4. From 1300 feet to 1900 feet in the MOCA on V35E/441.
5. From 1700 feet to 1900 feet in the MOCA on V152N/441E.

6. From 1700 feet to 1900 feet in the MOCA on V152.

Although no cardinal altitude is lost by these increases, the location of the structure in proximity to the St. Petersburg VORTAC would create a substantial adverse effect upon aeronautical procedures in this area by requiring these increases.

Other increases or alterations would be required as follows:

1. At St. Petersburg-Clearwater International Airport:

a. From 600 feet to 1200 feet in the landing ceiling minimum altitude for standard instrument approach procedure (SIAP) AL-625-ADF-1 at St. Petersburg-Clearwater International Airport.

b. From 700 feet to 1300 feet in the landing ceiling minimum altitude for SIAP AL-625-VOR/DME-1 without identification of the two-mile fix established by distance measuring equipment (DME). Use of the DME fix, which permits a landing ceiling minimum of 400 feet, would be eliminated since an excessive rate of descent would be required.

c. It would require the missed approach radial to be altered on SIAP AL-625-ILS-RWY 35(BC).

2. At Tampa International Airport:

a. From 1600 feet to 1900 feet in the procedure turn altitude for SIAP AL-416-VOR/DME-1.

The increases in these procedures would have a substantial adverse effect on aeronautical operations in the Tampa-St. Petersburg area.

The study further disclosed that the structure would be located within 1500 feet of a direct route between St. Petersburg-Clearwater International Airport and Clearwater Municipal Airport. Traffic patterns at these airports, as well as the other airports in the Tampa-St. Petersburg complex, are held down to 800 feet to avoid conflicts with jet traffic operating at MacDill Air Force Base. All civil visual flight rules (VFR) traffic in this area tends to fly at the lower altitudes because of the military traffic. Under conditions of restricted visibility, the proposed structure would be a formidable endangerment to VFR flying.

There are 14 multiengine, 46 single engine and two rotor aircraft based at the St. Petersburg-Clearwater International Airport and one multiengine, 33 single engine and two rotor aircraft based at the Clearwater Municipal Airport. The based aircraft together with many transient aircraft produced approximately 100,000 aircraft operations at these two airports during Calendar Year 1963.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have a substantial adverse effect upon aeronautical operations in the Tampa-St. Petersburg area and would be detrimental to the safety of aircraft in flight.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on October 20, 1964.

JOSEPH VIVARI,
Acting Chief,

Obstruction Evaluation Branch.

[F.R. Doc. 64-11074; Filed, Oct. 29, 1964;
8:48 a.m.]

[OE Docket No. 64-SO-16]

MEMPHIS LIGHT, GAS AND WATER DIVISION

Termination of Study

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-3984) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Memphis Light, Gas and Water Division, Memphis, Tennessee, proposes to install a poleline to serve a new residential subdivision in Memphis, Tennessee, at approximately latitude 35°04'00" north, longitude 89°53'30" west. The overall height of the poles would be approximately 308 feet above mean sea level (30 feet above ground).

The aeronautical study disclosed that this construction would be located north of and adjacent to the Memphis Flying Service Airport and would be amid houses already under construction.

During the study, the Agency was notified that the airport was permanently closed on September 30, 1964, thus it would no longer be a determining factor in this case.

Therefore, because of a change of circumstances, this study is hereby terminated and no determination will be issued.

Issued in Washington, D.C., on October 16, 1964.

JOSEPH VIVARI,
Acting Chief,

Obstruction Evaluation Branch.

[F.R. Doc. 64-11075; Filed, Oct. 29, 1964;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15211; FCC 64M-1056]

CAMELLIA CITY TELECASTERS ET AL.

Memorandum Opinion and Order Regarding Procedural Dates

In re application of Charles L. Bowman, Foster A. Bullock, Jack F. Matranga and Irving J. Schwartz d/b as Camellia City Telecasters, Sacramento, California, Docket No. 15211, File No. BPCT-3140; for construction permit for new television broadcast station.

The Hearing Examiner has under consideration a petition filed October 19, 1964, on behalf of the above-entitled applicant requesting leave to amend its application to specify a new transmitter and tower site and to incorporate in the application the engineering data with respect thereto.

The selection of a new transmitter and tower site followed the finding by the Federal Aviation Agency that the 399-foot overall height of the tower, antenna and beacon light proposed by this applicant at the site of an existing 180-foot FM tower would constitute an unnecessary hazard to air navigation.

No objection has been filed to the petition for leave to amend. The Hearing Examiner has been advised informally that no opposition will be filed on behalf of the Chief, Broadcast Bureau. Good cause for granting the petition for leave to amend has been shown. The question of whether the antenna and tower now proposed will or will not constitute an unnecessary hazard to air navigation has been presented to the Federal Aviation Agency for consideration. The parties are in agreement that no hearing be held on Issue 3 until the matter has been acted on by the FAA.

At the conclusion of the hearing conference on October 1, 1964, a further prehearing conference was scheduled to be held on Friday, October 30, 1964. As no problem has been raised by the proposed amendment, a further prehearing conference will not be necessary.

It is ordered, This the 26th day of October 1964, that the above-entitled petition for leave to amend is granted and the amendment is accepted;

It is further ordered, That the prehearing conference scheduled to be held on Friday, October 30, 1964, is cancelled, and a further evidentiary hearing in this proceeding is scheduled for Friday, December 4, 1964, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C.

Released: October 27, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-11084; Filed, Oct. 29, 1964;
8:49 a.m.]

[Docket Nos. 15672, 15673; FCC 64M-1054]

ESTACADA TELEPHONE & TELEGRAPH CO. AND PACIFIC NORTHWEST BELL TELEPHONE CO.

Order Scheduling Hearing

In re applications of Estacada Telephone & Telegraph Company, Docket No. 15672, File No. 5557-C2-P-63, for a con-

struction permit to establish new facilities in the Domestic Public Land Mobile Radio Service near Estacada, Oregon; Pacific Northwest Bell Telephone Company, Docket No. 15673, File No. 6281-C2-P-63, for a construction permit to modify the facilities of station KOA731 in the Domestic Public Land Mobile Radio Service near Salem, Oregon.

It is ordered, This 26th day of October 1964, that Millard F. French shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on December 15, 1964; and that a prehearing conference shall be convened at 9:00 a.m. on November 24, 1964; *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: October 27, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-11085; Filed, Oct. 29, 1964;
8:49 a.m.]

[Docket No. 14841; FCC 64M-1051]

VERNE M. MILLER

Order for a Hearing Conference

In re application of Verne M. Miller, Crystal Bay, Nevada, Docket No. 14841, File No. BP-14706; for construction permit.

On October 8, 1964, the hearing in the above-captioned proceeding was adjourned without date pending notification to the Hearing Examiner by October 23, 1964, concerning the intentions of respondent parties in the matter of presenting rebuttal evidence. By letter of October 22, counsel for respondent James E. McKahan (KSUE) has indicated that this party desires "to prepare and offer a presentation in rebuttal of the affirmative engineering presentation of the applicant." Also, counsel for KROY has informed the Examiner by letter of October 23 of "the possibility that Station KROY may join with Mr. McKahan in presenting rebuttal evidence."

In view of the aforementioned notifications, the Examiner deems it necessary to arrange for an early hearing conference of all counsel to ascertain more specifically the intentions of the parties who propose to present rebuttal evidence and to make the appropriate procedural arrangements for such further rebuttal hearing as may be required.

Accordingly, it is ordered, This 26th day of October 1964, that a Hearing Conference will be held on October 30, 1964, at 9:00 a.m., in the offices of the Commission, Washington, D.C.

Released: October 26, 1964.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-11086; Filed, Oct. 29, 1964;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3693 etc.]

ELLIOTT OIL, INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

OCTOBER 21, 1964.

Elliott Oil, Inc. (formerly Elliott, Inc.) and other applicants listed herein, Docket Nos. G-3693, et al.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 16, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pres- sure base
G-3993 8-29-64	Elliott Oil, Inc. (formerly Elliott, Inc.)	El Paso Natural Gas Co., Eumont Field, Lea County, N. Mex.	\$15.5857	14.65
G-4337 C 12-5-62	Sinclair Oil & Gas Co. (Operator), et al. ³	El Paso Natural Gas Co., Dollarhide Field, Lea County, N. Mex.	9.0	14.65
G-8832 E 10-8-64	O. G. McClain (successor to Drilling & Exploration Co., Inc., et al.)	El Paso Natural Gas Co., Jalmet Field, Lea County, N. Mex.	\$15.55987	14.65
G-14469 E 9-8-64	E. G. Rodman (successor to E. G. Rodman and W. D. Noel)	Coastal States Gas Producing Co., Alfred Field, Jim Wells County, Tex.	10.0960	14.65
G-15404 C 10-16-64	Francis A. Callery, et al.	El Paso Natural Gas Co., acreage in Midland and Reagan Counties, Tex.	\$17.2295	14.65
G-19593 C 10-14-64	Ambassador Oil Corp. (Operator), et al.	Southern Natural Gas Co., Bay Couquille Field, Plaquemines Parish, La.	15.0	15.025
G-19565 C 10-15-64	Stonestreet Lands Co.	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla.	16.0	14.65
G-20508 E 9-14-64	Harvey H. Henry (successor to Della-Taylor Oil Corp.), et al.	Hope Natural Gas Co., Lee Dist., Calhoun County, W. Va.	25.0	15.325
G-20566 E 9-14-64	Harvey H. Henry (successor to Kenneth Murchison (Operator), et al.)	El Paso Natural Gas Co., Bisti Area, San Juan County, N. Mex.	\$13.2488	15.025
C161-286 D 10-9-64	P. S. & G., Inc.	Texas Gas Transmission Corp., Monroe Field, Union Parish, La.	Assigned	
C161-1592 C 10-8-64	Okey Hinzman Oil & Gas Co.	Hope Natural Gas Co., Union Dist., Ritchie County, W. Va.	25.0	15.325
C161-1714 E 10-14-64	E. C. Metz (successor to Zora A. Hafer)	Pennzoil Co., Elk Dist., Kanawha County, W. Va.	15.0	15.325
C162-434 E 9-28-64	Beatrice Henry (successor to John W. Henry)	Colorado Interstate Gas Co., Mocane Field, Beaver County, Okla.	17.0	14.65
C162-797 C 10-12-64	Roy G. Hildreth d.b.a. Four H Drilling Co.	Hope Natural Gas Co., Spencer Dist., Boone County, W. Va.	25.0	15.325
C162-857 E 9-16-64	Mid-America Trust, Inc., Agent for O. W. Martin, et al. (formerly Mid-America Trust, Inc., et al.)	Hope Natural Gas Co., Union Dist., Clay County, W. Va.	25.0	15.325
C162-1251 C 10-15-64	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co. (Operator), et al.	Arkansas Louisiana Gas Co., Milton-Spiro Area, Le Flore County, Okla.	15.0	14.65
C163-318 C 10-14-64	Frank A. Schultz, et al.	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	13.0	15.025
C163-1030 A 2-18-63	Bel Oil Corp.	Transcontinental Gas Pipe Line Corp., Trowley Field, Acadia Parish, La.	\$17.75	15.025
C163-1040 C 10-12-64	R. J. Caraway (Operator), et al.	Arkansas Louisiana Gas Co., Mamzel Field, W. Louisiana, Tex.	12.55006	14.65
C164-136 C 10-8-64	Cities Service Oil Co.	Arkansas Louisiana Gas Co., Lacy Area, Kingfisher County, Okla.	15.0	14.65
C164-1384 A 10-6-64	Almos Gas Gathering Co.	United Gas Pipe Line Co., various fields, Bee County, Tex.	13.4196	14.65
C164-1405 C 10-5-64	Steve Gose (Operator), et al.	Arkansas Louisiana Gas Co., acreage in Haskell County, Okla.	15.0	14.65
C164-1547 C 10-12-64	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Fremont County, Wyo.	15.0	14.65
C165-346 A 10-8-64	Picard Oil Co.	Transcontinental Gas Pipe Line Corp., Bayou Couba Field, St. Charles Parish, La.	19.0	15.025
C165-347 B 10-7-64	Socony Mobil Oil Co., Inc.	United Fuel Gas Co., Gum Cove Field, Cameron Parish, La.	Depleted	
C165-348 A 10-7-64	Sierra Petroleum Co., Inc. (Operator), et al.	Cities Service Gas Co., Palmer Field, Barber County, Kansas.	13.0	14.65
C165-349 A 10-6-64	Union Oil Co. of California	Tennessee Gas Transmission Co., East Timberlake Bay Area, Lafourche Parish, La.	\$11 20.625	15.025
C165-350 F 10-5-64	H & H Oil and Gas Corp. (successor to P. S. & G., Inc.)	Texas Gas Transmission Corp., Monroe Field, Union Parish, La.	\$15.0	15.025
C165-351 A 10-9-64	Humble Oil & Refining Co.	El Paso Natural Gas Co., XBC Field, Upton County, Tex.	18.2430	14.65

Filing code: A—Initial service.

B—Abandonment.

C—Amendment to add acreage.

D—Amendment to delete acreage.

E—Succession.

F—Partial succession.

See footnotes at end of table.

1 Petition to amend certificate to show change in corporate name.

2 Rate in effect subject to refund in Docket Nos. R164-332 (tax reimbursement increase of 0.0667 cent) and R160-228 (favorable-nation increase from 10.6 cents to 15.9 cents).

3 Amendment filed December 4, 1963, was filed by predecessor, Western Natural Gas Company; by letter dated November 26, 1963, Sinclair Oil Co. was added as temporary certificate holder therein.

4 Includes 0.05987 cent per Mcf tax reimbursement.

5 Rate in effect subject to refund in Docket No. R160-6; no motion for substitution is required since Rodman is a party to the proceeding.

6 Tax reimbursement portion of rate (0.2486 cent) is in effect subject to refund in Docket No. R164-89. Applicant has filed motion to be made co-respondent.

7 Deletes the portion of acreage for which certificate is filed for in Docket No. C165-350.

8 Mid-America Trust, Inc. is succeeding Virginia Rutherford as Agent.

9 Includes 1.75 cents per Mcf tax reimbursement.

10 Resubmission of application.

11 In absence of Buyer's exercise of his right to refuse delivery of gas containing less than 1,000 Btu's/CF, a full percentage downward adjustment in price will be made for gas containing less than 1,000 Btu's/CF.

12 Reimbursement of 34ths of additional or greater tax levied in excess of 2.3 cents per Mcf after September 15, 1964.

13 Plus 1.75 cents per Mcf Louisiana Severance Tax Reimbursement.

14 Includes 0.2025 cents per Mcf tax reimbursement.

15 For gas produced from formations below the top of the Morrow Series of the Pennsylvania System.

16 For gas produced from formations below 3,400 feet and above the top of the Morrow Series of the Pennsylvania System.

[F.R. Doc. 64-10993; Filed, Oct. 29, 1964; 8:45 a.m.]

[Docket No. CP65-44]

CITY OF CRAWFORDVILLE, GEORGIA**Notice of Application**

OCTOBER 23, 1964.

Take notice that on August 11, 1964, the City of Crawfordville, Georgia (Applicant) filed in Docket No. CP65-44 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Transcontinental Gas Pipe Line Corporation (Transco) to sell up to 356 Mcf of natural gas per day to Applicant as hereinafter described, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant requests that such gas be delivered to an existing interconnection of Transco's main transmission line north of Colbert, Georgia, with a lateral owned and operated by the Cities of Union Point and Greensboro, Georgia, for the account of Applicant. The application states that Union Point and Greensboro, will transport such gas from the above interconnection southward approximately 36 miles through their existing facilities for delivery to applicant near Union Point, Georgia.

Applicant proposes to construct and operate a distribution system in Crawfordville together with approximately 12 miles of 2.5-inch pipeline extending from the point of connection with Union Point-Greensboro lateral to Crawfordville and to distribute and sell natural gas to consumers situated along the proposed 12 miles of pipeline and in the City of Crawfordville.

Requirements in Mcfs are as follows:

Year of operation	Peak day	Annual
1.....	186	15,242
2.....	272	21,865
3.....	356	28,752

The estimated total cost of the proposed project to Applicant is \$170,000. Financial arrangements have been made, according to the application for the disposition of 30 year revenue bonds at a 5 percent interest rate to cover the cost of the project.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that

a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before November 13, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-11042; Filed, Oct. 29, 1964;
8:45 a.m.]

[Docket No. CP65-79]

KANSAS-NEBRASKA NATURAL GAS CO., INC.**Notice of Application**

OCTOBER 23, 1964.

Take notice that on September 21, 1964, as amended on October 1, 1964, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), Phillipsburg, Phillips County, Kansas, filed in Docket No. CP65-79 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1965 and the operation of natural gas facilities for the sale of natural gas to direct customers and existing distributors for resale and for miscellaneous rearrangements not resulting in any change of service rendered by means of the facilities involved, all as more fully set forth in the application, as amended, on file with the Commission and open to public inspection.

Applicant proposes to construct a maximum of 12 lateral lines of 6½-inch pipe with the maximum length being 10 miles and a maximum of 12 taps and meters in order to transport and sell natural gas previously authorized under certificates for transportation or sale to existing distributors at rates on file with the Commission, for resale in existing market areas, and in order to deliver natural gas to direct consumers who will use the gas solely for road building, irrigation, agriculture, general use in schools and hospitals located in areas outside of local distributors' franchise areas, and seasonal industrial purposes. Applicant also proposes to construct facilities necessary for a maximum of 4 miscellaneous rearrangements which affect direct sales to ultimate consumers.

The total cost of facilities proposed under this application will not exceed a maximum of \$300,000 and the total deliveries to any one consumer will not exceed a maximum of 100,000 Mcf of natural gas per year.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by

sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 18, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-11043; Filed, Oct. 29, 1964;
8:45 a.m.]

[Docket No. CP65-97]

NATURAL GAS PIPELINE COMPANY OF AMERICA**Notice of Application**

OCTOBER 23, 1964.

Take notice that on October 12, 1964, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois, 60603, filed in Docket No. CP65-97 an application pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the sale and delivery of an additional daily contract quantity of 2,000 Mcf of natural gas to Interstate Power Company (Interstate), an existing customer of Applicant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Interstate has requested an additional daily contract quantity of 2,000 Mcf of gas commencing as soon as possible for resale by Interstate to Hawkeye Chemical Company, Interstate's largest firm industrial customer. Hawkeye now uses natural gas and will use the increased quantity as a raw material in the manufacture of agricultural fertilizers.

Applicant states that it has unallocated system capacity sufficient to furnish the additional quantity of gas required.

Applicant further states that no additional facilities will be required to make the proposed additional delivery.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in

and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 16, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-11044; Filed, Oct. 29, 1964;
8:45 a.m.]

[Docket No. CP65-72]

NORTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 23, 1964.

Take notice that on September 14, 1964, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. CP65-72, an application pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of a measuring and regulating station and appurtenances to establish a new delivery point for Western Power and Gas Company (Western) for the sale and delivery thereto of natural gas for resale to the Bruning Manufacturing Company's (Bruning) new plant located near Lincoln, Nebraska, all as more fully set forth in the application on file with the Commission, and open to public inspection.

The estimated annual sales to Western for resale to Bruning are 253 Mcf of firm gas and 14,192 Mcf of interruptible gas, will not require an increase in Western's contract demand with Northern and will be made under Northern's Zone 2 Rate Schedule.

The estimated cost of required facilities is \$3,270, and will be paid by Western.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 16, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-11045; Filed, Oct. 29, 1964;
8:45 a.m.]

[Docket No. RI65-270]

NEVILLE G. PENROSE ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

OCTOBER 23, 1964.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly dis-

criminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 15, 1964.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI65-270...	Neville G. Penrose (Operator), et al., 1813 Fair Building, Fort Worth 2, Tex. Attn: Mr. Glenn G. Neill.	1	2	El Paso Natural Gas Co. (Ignacio-Bianco Field, La Plata County, Colo.).	\$4,320	9-30-64	10-31-64	11-1-64	* 13.0	** 14.0	

* The stated effective date is the first day after expiration of the required statutory notice.

** The suspension period is limited to one day.

* Periodic rate increase.

* Pressure base is 15.025 p.s.i.a.

* Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.

Neville G. Penrose (Operator), et al. (Penrose), request that their proposed increased rate be permitted to become effective as of the date of filing (September 30, 1964). Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Penrose's rate filing and such request is denied.

The periodic rate increase filed by Penrose did not include as part of the proposed rate the contractually provided for 1.0¢ per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0¢ per Mcf to the base rate results in a total rate in excess of the 13.0¢ per Mcf area ceiling for increased rates in the San Juan Basin Area and should be suspended for one day from October 31, 1964, the date of expiration of the statutory notice.

[F.R. Doc. 64-11047; Filed, Oct. 29, 1964; 8:45 a.m.]

[Docket No. CP65-76]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

Notice of Application

OCTOBER 23, 1964.

Take notice that on September 17, 1964, Transcontinental Gas Pipe Line Corporation (Transco), 3100 Travis Street, Houston, Texas, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas, and United Fuel Gas Company (United Fuel), P.O. Box 1273, Charleston, West Virginia, 25325, hereinafter referred to as Applicants, filed in Docket No. CP65-76, a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an emergency interconnection at the crossing of Transco's 30-inch main line and the westernmost part of Columbia Gulf's two 30-inch lines in Section 15, T-5-S, R-2-E, in Evangeline Parish, Louisiana, all as more fully set forth in the joint application on file with the Commission and open to public inspection.

Applicants state the proposed emergency interconnection and the proposed emergency exchange of gas (contract dated August 14, 1964) provides for utilization of the proposed interconnection when either company is confronted with an emergency which can be alleviated by deliveries of natural gas from the other, repayment in kind to be made within 60 days unless a longer period is agreed upon.

The estimated total cost of required facilities is \$38,800, which will be defrayed from current funds of Transco and Columbia fuel. The joint cost of interchange facilities is \$27,000. United Fuel will not construct any facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 16, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-11046; Filed, Oct. 29, 1964; 8:45 a.m.]

[Docket No. RI65-287 etc.]

SOUTHERN UNION PRODUCTION CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates ¹

OCTOBER 23, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 9, 1964.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

¹ Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI65-287...	Southern Union Production Co., 1500 Fidelity Union Tower, Dallas, Tex., 75201.	3	24	Southern Union Gathering Co. (Basin Dakota Pool and Blanco-Mesa Verde Pool, San Juan County, N. Mex.) (San Juan Basin Area).	\$12,161	10-5-64	11-5-64	4-5-65	13.0	14.0593	
RI65-288...	North Central Oil Corp. (Operator), et al., 1300 Main St., Suite 1000, Houston, Tex., 77002. Attn: Mr. Archie E. Groff.	4	6	El Paso Natural Gas Co. (Hokit Field, Pecos County, Tex.) (R.R. Dist. No. 8) (Permian Basin Area).	7,200	10-8-64	11-15-64	4-15-65	15.0	16.0	
RI65-289...	King-Stevenson Gas and Oil Co. (Operator), et al., Suite 200, 324 North Robinson, Oklahoma City, Okla., 73102.	2	3	Arkansas Louisiana Gas Co. (East Kremlin Field, Garfield County, Okla.) (Oklahoma "Other" Area).	285	10-5-64	12-28-64	5-28-65	11.0	12.0	
RI65-290...	Consolidated Oil & Gas, Inc., 4160 East Mexico Ave., Denver, Colo., 80222.	22	6	Tennessee Gas Transmission Co. (Lissie Field, Wharton County, Tex.) (R.R. Dist. No. 3).	7,661	9-25-64	10-26-64	3-26-65	13.47548	10.33333	

* A wholly owned subsidiary of Southern Union Gas Co.

* The stated effective date is the first day after expiration of the required statutory notice.

* Periodic rate increase.

* Pressure base is 15.025 p.s.i.a.

* Rate for gas produced from acreage added by Supplements Nos. 20 and 23 (all other acreage at 14.0617 cents per Mcf. Rate in effect subject to refund in Docket No. RI64-504).

* Includes partial reimbursement for 0.55 percent increase in New Mexico School Tax.

* The stated effective date is the effective date requested by Respondent.

* Pressure base is 14.65 p.s.i.a.

* Subject to downward B.t.u. adjustment.

* Redetermined rate increase.

* Includes dehydration charge of 0.21931 cent per Mcf deducted by buyer.

* Includes applicable tax reimbursement based upon the Texas Occupation Tax at the 9-percent level.

Southern Union Production Company requests waiver of notice to permit its proposed rate increase to become effective as of October 1, 1964. Consolidated Oil & Gas, Inc., requests waiver of the 30-day notice requirement to make its rate effective on the contractually due date, or in the alternative, 30 days after date of filing. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Southern Union Production Company's proposed rate increase pertains only to gas produced from acreage added by Supplements Nos. 20 and 23 to its FPC Gas Rate Schedule No. 3. A rate of 14.0617¢ per Mcf, in effect subject to refund in Docket No. RI64-504, applies to all other acreage dedicated to Southern Union Production Company's Rate Schedule No. 3.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

[F.R. Doc. 64-11048; Filed, Oct. 29, 1964; 8:45 a.m.]

TARIFF COMMISSION

[TEA-F-5]

NATIONAL TILE & MANUFACTURING CO.

Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation and Hearing

Investigation instituted. Upon petition under section 301(a)(2) of the

Trade Expansion Act of 1962, filed October 22, 1964 by the National Tile & Manufacturing Company, 1200 East 26th Street, Anderson, Indiana, the United States Tariff Commission, on October 23, 1964, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, certain ceramic floor and wall tiles, like or directly competitive with articles produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The imported articles to which this investigation relates consist of ceramic mosaic floor and wall tiles and glazed ceramic (other than mosaic) floor and wall tiles. The ceramic mosaic tiles are currently dutiable under item 532.21 of the Tariff Schedules of the United States at the rate of 24.5 percent ad valorem, and the glazed ceramic (other than mosaic) tiles are currently dutiable under item 532.24 of the said schedules at the rate of 22.5 percent ad valorem.

Public hearing ordered. A public hearing, which has been requested by the petitioner in connection with this investigation, will be held beginning at 10 a.m., e.s.t., on December 1, 1964, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

Inspection of petition. The petition filed in this case is available for inspection at the office of the Secretary of the Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: October 26, 1964.

By order of the Commission.

[SEAL]

DONN N. BENT,
Secretary.

[F.R. Doc. 64-11061; Filed, Oct. 29, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2407, 7-2408]

CELANESE CORPORATION OF AMERICA AND MOSLER SAFE CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 26, 1964.

In the matter of applications of the Cincinnati Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Celanese Corporation of America, File 7-2407.
Mosler Safe Company, File 7-2408.

Upon receipt of a request, on or before November 11, 1964, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the na-

ture of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 64-11040; Filed, Oct. 29, 1964;
8:45 a.m.]

[File No. 70-4236]

MICHIGAN CONSOLIDATED GAS CO. Notice of Proposed Issuance and Sale of Notes to Banks

OCTOBER 26, 1964.

Notice is hereby given that Michigan Consolidated Gas Company ("Michigan"), One Woodward Avenue, Detroit, Michigan 48226, a gas utility subsidiary company of American Natural Gas Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Michigan proposes to issue and sell, from time to time commencing in November 1964 and in varying amounts as funds are required, its unsecured promissory notes to banks in an aggregate face amount not exceeding \$12,000,000 outstanding at any one time. The banks and their respective commitments are as follows:

First National City Bank, New York, N.Y.	\$4,250,000
National Bank of Detroit, Detroit, Michigan	4,250,000
Manufacturers Hanover Trust Company, New York, N.Y.	2,250,000
The Chase Manhattan Bank, New York, N.Y.	1,250,000
Total	12,000,000

The notes are to be dated as of the date of issuance, are to mature October 29, 1965, and are to bear interest at the prime rate (currently $4\frac{1}{2}$ percent per annum) in effect at First National City Bank, New York, N.Y., on the date of each borrowing. The interest rate will be adjusted to the prime rate in effect at such bank at the beginning of each 90-day period subsequent to the date of the first borrowing. There is no commitment fee, and the notes may be pre-

paid at any time without penalty. Michigan proposes to use the proceeds from the sale of the proposed notes to finance partially its 1964 construction program. The company will apply the net proceeds from any permanent debt financing effected prior to the maturity of the notes issued and outstanding under the above lines of credit in reduction of, or in total payment of, such outstanding notes, and the lines of credit will be reduced by the amount of any net proceeds of any such permanent debt financing.

Fees and expenses incident to the proposed transactions are estimated at \$1,000, including legal fees of \$500. The declaration states that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the proposed transactions.

Notice is further given that any interested person may, not later than November 16, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority.)

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 64-11041; Filed, Oct. 29, 1964;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 27, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 39352—Pulpwood to Doctortown, Ga. Filed by O. W. South, Jr.,

Agent, (No. A4580), for interested rail carriers. Rates on pulpwood, in carloads, from specified points in Georgia, to Doctortown, Ga.

Grounds for relief—Carrier competition.

Tariff—Supplement 62 to Atlantic Coast Line Railroad Company tariff I.C.C. B-3561.

FSA No. 39353—Proportional Rates on Corn and Corn Products to Kankakee, Ill. Filed by Traffic Executive Association—Eastern Railroads, Agent (E.R. No. 2746), for interested rail carriers. Rates on corn and corn products, in carloads, from points in Illinois on the Kankakee Belt Line branch of The New York Central Railroad Company, to Kankakee, Ill., applicable only on traffic destined to points in central, trunk-line and New England territories.

Grounds for relief—Barge and motor-truck competition.

Tariffs—Supplement 26 to The New York Central Railroad Company tariff I.C.C. 2382 and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 64-11060; Filed, Oct. 29, 1964;
8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-XIII Disaster
No. 2]

MANAGER, DISASTER FIELD OFFICE, KALISPELL, MONTANA

Delegation Relating to Financial Assistance Functions

Notice is hereby given that Delegation of Authority No. 30 Disaster No. 2, 29 F.R. 8504, is hereby rescinded in its entirety.

Effective date: October 19, 1964.

WILLIAM S. SCHUMACHER,
Regional Director,
Seattle, Washington.

[F.R. Doc. 64-11037; Filed, Oct. 29, 1964;
8:45 a.m.]

[Delegation of Authority No. 30-XIII Disaster
No. 3]

MANAGER, DISASTER FIELD OFFICE, GREAT FALLS, MONTANA

Delegation Relating to Financial Assistance Functions

Notice is hereby given that Delegation of Authority No. 30 Disaster No. 3, 29 F.R. 8505, is hereby rescinded in its entirety.

Effective date: October 19, 1964.

WILLIAM S. SCHUMACHER,
Regional Director,
Seattle, Washington.

[F.R. Doc. 64-11038; Filed, Oct. 29, 1964;
8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—OCTOBER

Federal Regulations affected by documents published to date during October.
The following numerical guide is a list of the parts of each title of the Code of

1 CFR	Page	7 CFR—Continued	Page	12 CFR	Page
CFR Checklist	13517	PROPOSED RULES:		1	13568-13570,
3 CFR		29	14668		13798, 13869, 13927, 14221, 14435,
PROCLAMATION:		41	14753		14561.
3619	13593	46	13535	204	13604, 14436
3620	13627	723	14123, 14596	217	13604
3621	13795	724	14234, 14596	545	14717
3622	14051	811	14669	PROPOSED RULES:	
3623	14469	815	14078	6	14177
3624	14471	905	14367	206	14079
3625	14473	906	14077	335	14126
EXECUTIVE ORDERS:		909	14077	545	13834, 14411, 14412
10530 (amended by EO 11184)	14155	911	14121	13 CFR	
11150 (revoked by EO 11182)	13629	915	14121	107	14221
11181	13557	947	14077	109	13518
11182	13629	948	14753	121	13571
11183	13633	970	14408, 14543	PROPOSED RULES:	
11184	14155	982	14441	107	14369
11185	14399	989	14668	121	14672
11186	14617	1033	13535	14 CFR	
11187	14659	1034	13535	1	14403, 14562
4 CFR		1040	14544	5	14562
51	14351	1042	14544	8	14562
5 CFR		1061	13772, 14233, 14669	9	14562
213	13517, 13595, 13797, 13943, 14775	1063	14121	9a	14562
890	14711	1064	13772, 14233, 14669	10	14562
930	14716	1070	14121	13	14562
1201	13869	1071	14596	14	14562
1204	14024	1073	14596	21 [New]	14563
7 CFR		1074	14596	31 [New]	14562
7	14351	1078	14121	39 [New]	14404
27	13797	1079	14121	71 [New]	13798,
33	13559	1103	14029		13799, 14102-14105, 14166-14168,
210	14619	1104	14031		14357, 14358, 14436, 14490, 14523,
215	14619	1105	14029		14524, 14576, 14620, 14621, 14785,
301	14775	1106	13774		14786.
401	14775, 14776	1131	14234	73 [New]	13604, 14053, 14223
403	14776	1132	14596	75 [New]	14169,
706	13885	8 CFR			14223, 14358, 14436, 14621, 14622
722	14215, 14216	3	14717	91 [New]	13519, 14404, 14524, 14562
724	14099, 14661	205	14431	95 [New]	14064
728	13595, 13635, 14099, 14157, 14486	206	14432	97 [New]	13520, 14054, 14525, 14534
729	14100	223	14220	207	14105
751	13559	243	14432	234	14717
813	14217	245	14523	241	13528, 14105
814	14163	252	14220	248	13799
833	14778	264	14433	288	14490
850	14620	280	14433	295	14025
851	14780	299	14433	399	14025, 14719
855	13595, 14102	9 CFR		410	14576
864	13637	71	14489	507	13604,
871	13890	74	14053, 14356		14070, 14106, 14169, 14405, 14437,
873	13565	78	13944, 14489, 14784		14538, 14539, 14576, 14661.
905	13599-13601, 14353, 14354	79	14489	PROPOSED RULES:	
908	13797	80	14489	40	14367
909	14219, 14780	82	14489	42	14367
910	13601, 14024, 14355, 14561	83	14489	71 [New]	13610,
911	14431	PROPOSED RULES:			13611, 13828, 13829, 13904, 13905,
915	14402	9	14499		13974, 13975, 14078, 14186-14189,
944	13602, 13603	30	14792		14236, 14237, 14442, 14443, 14547,
948	14355	74	14078		14548, 14641, 14642, 14794-14797
958	14523	155	14441	73 [New]	13906,
982	14219	10 CFR			13907, 14124, 14189, 14190.
984	13603	20	14434, 14661	75 [New]	14444
989	14024	30	14401	91 [New]	13907,
1001	13798	40	14401		14034, 14079, 14368
1064	13943	50	14401	151 [New]	13829
1106	13944	70	14401	241	14599
1421	13944, 14102, 14486, 14561, 14781	PROPOSED RULES:		288	13827
1427	13567	2	14442	507	13833,
1485	13639	20	14753		13908, 13976, 14036, 14124, 14125,
					14444.

15 CFR

Page

367	13570
370	13643, 14577
371	13643, 14577
372	13646
373	13647, 14577
376	13649
377	14577
379	13650, 14577
380	13651, 14578
381	13651
384	13651
385	13652
399	14578

16 CFR

13	13571, 13572, 13655, 13799, 13800, 13892, 14026, 14070, 14071, 14170, 14437, 14491, 14492, 14622, 14623, 14661, 14662, 14719.
67	13945
PROPOSED RULES:	
21	14413
214	14036

17 CFR

210	14720
PROPOSED RULES:	
240	13777

18 CFR

2	14106
16	14106
157	14722
PROPOSED RULES:	
12	14643
501	14746
502	14747
503	14748
504	14749
505	14750
506	14751
507	14752
508	14752

19 CFR

6	14492
10	14493
17	14171
22	14493
23	14493
31	14493
PROPOSED RULES:	
1	14598
3	14598
4	14598

20 CFR

501	13519
-----	-------

21 CFR

2	14223
8	13893
15	14623
16	14074
120	13771
121	13534, 13572, 13573, 13802, 13894, 13895, 14026, 14027, 14109, 14223, 14224, 14403, 14438, 14439, 14624, 14625, 14663.
146	13895
146a	14624
PROPOSED RULES:	
19	13973
27	13535, 13536
31	14126
45	14367
121	14367, 14641
146	14032, 14380

21 CFR—Continued

Page

PROPOSED RULES—Continued	
148l	14380
148m	14380
148n	14380
148p	14380
148r	14380
148u	14032

25 CFR

43a	14359
43b	14739
52	14359
141	14740

26 CFR

1	13896, 14628
175	14361, 14439
201	14361, 14628
250	14364
251	14364
PROPOSED RULES:	
1	13772, 14177, 14181, 14226, 14229, 14232, 14233, 14497, 14637, 14743.
31	14637

28 CFR

0	13950
16	14027

29 CFR

511	13802
PROPOSED RULES:	
416	14408
610	13903
612	13903
614	13903
615	13903

30 CFR

45	14364
PROPOSED RULES:	
14	13822

31 CFR

203	14224
405	14786

32 CFR

10	13951
56	13802
137	13803
733	14579
Ch. VII	13656
803	13803
812	14786
815	13951
826	13805
827a	13965
828	13805
829	13965
830	13805
831	13806
832	13807
842	13807
845	13869
846	13871
850	13872
851	14787
866	14788
870	13873
881	13873
886	13968
905	13883
906	13883
920	13885
930	14786

32A CFR

OEP (Ch. I):	
DMO V-5	14594
DMO V-6	14595

32A CFR—Continued

Page

OEP (Ch. I)—Continued	
DMO 8550.1	14594
DMO 8550.2	14595

33 CFR

67	14634
116	14439
202	13970, 14741
203	13518, 13970
206	14493
207	13970

36 CFR

7	14539
311	14364

38 CFR

3	14171
6	13573
8	13573, 13810

39 CFR

17	14028, 14173
22	13811
46	14028
PROPOSED RULES:	
22	13822, 13903

41 CFR

1-2	14494
Ch. 4	14264
8-3	14365
8-4	14365
8-16	14365
8-75	14365
9-1	13574, 13811
9-6	13813
9-10	13574
9-16	13605
9-30	13575
11-10	14723
101-26	14724
101-38	14724
PROPOSED RULES:	
50-203	14445

43 CFR

417	13605
1820	14439
2230	14075, 14494
3210	14366
3220	13971

PUBLIC LAND ORDERS:

2198 (modified by PLO 3460)	14594
3453	13814
3454	13814
3455	13814
3456	13814
3457	13815
3458	14109
3459	14539
3460	14594
3461	14636

45 CFR

105	13639
114	13971
531	14594
541	14594
543	14594
610	14540
630	14540

46 CFR

43	14635
162	14742
201	14475
510	13971, 14486
535	14594

47 CFR

0	13815, 14405, 14406, 14663, 14666
1	13815, 13816, 14406, 14666
17	13815

47 CFR—Continued

Page

43	13816, 14666
73	13818,
	13896, 14110, 14117, 14171, 14636
83	13815
PROPOSED RULES:	
2	14191, 14671
15	14409
21	14191
73	14036, 14642
74	14191, 14671
91	14191
97	13834

49 CFR

72	13928
73	13929, 13998, 14118
78	14002
79	14003, 14406, 14495
136	13606
142	14053
176	14173
188	14053
191	14495
PROPOSED RULES:	
95	14754
96	14754
97	14754
170	13835, 14413
187	14644

50 CFR

10	14595
12	13820, 14075
32	13518,
	13577, 13641, 13642, 13900, 13901,
	13972, 14027, 14076, 14118-14120,
	14173-14176, 14225, 14496, 14541,
	14742.
33	14742
253	13607
PROPOSED RULES:	
256	13902
257	14744



Area Code 202

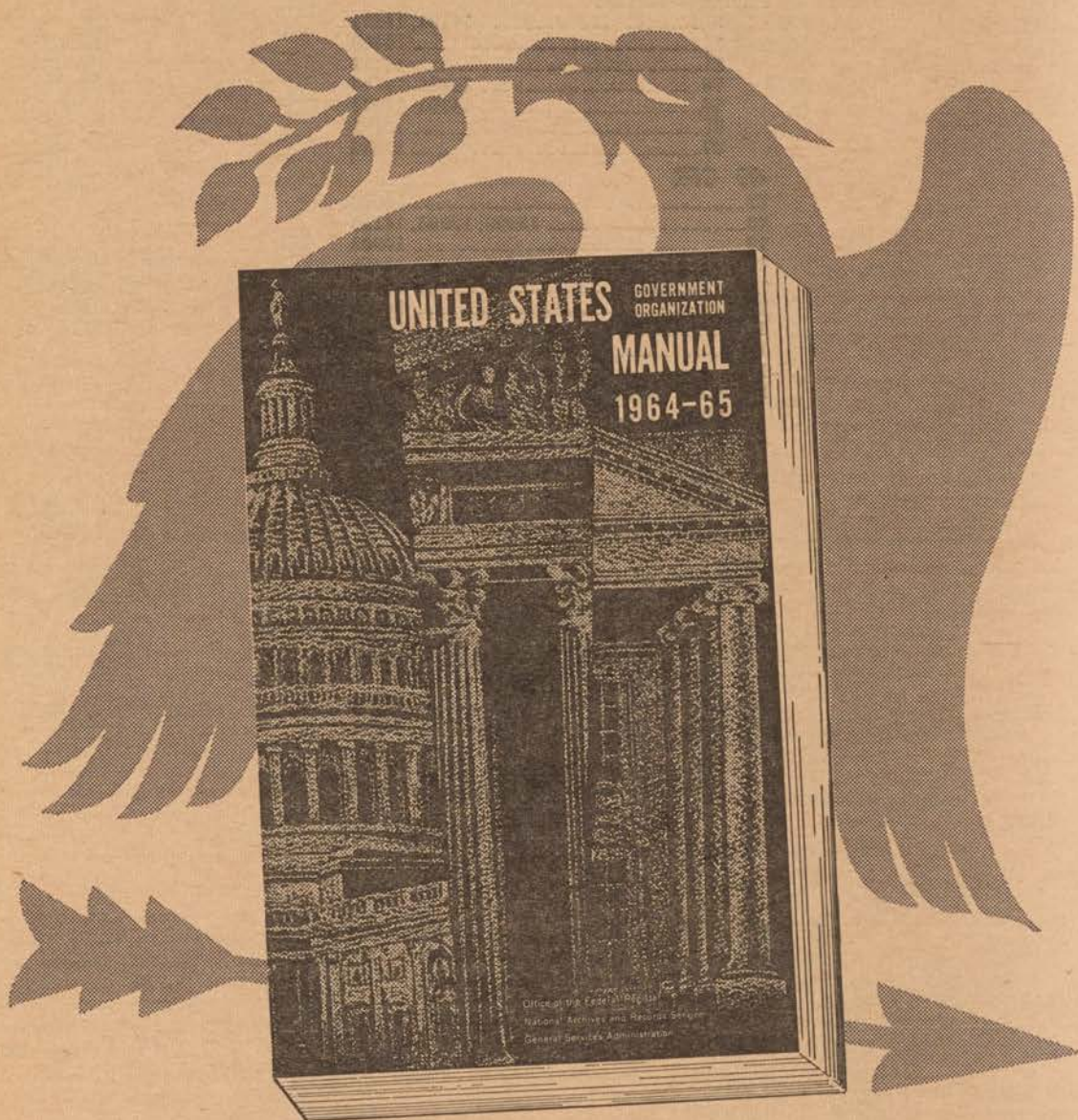
Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.



Know Your Government

The United States Government Organization Manual is the official guide to the functions of the Federal Government.

\$1.75

per copy. Paper bound, with charts

Order from

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402